

**House File 542 - Introduced**

HOUSE FILE 542  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 126)

**A BILL FOR**

1 An Act relating to family support programs and provisions  
2 including those relating to child support and establishment  
3 of paternity.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

UNIFORM INTERSTATE FAMILY SUPPORT ACT

Section 1. NEW SECTION. 252K.100 Title.

This chapter shall be known and may be cited as the *Uniform Interstate Family Support Act*.

Sec. 2. Section 252K.101, Code 2015, is amended to read as follows:

**252K.101 Definitions.**

In this chapter:

1. *Child* means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. *Child support order* means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

3. *Convention* means the convention on the international recovery of child support and other forms of family maintenance, concluded at the Hague on November 23, 2007.

~~3.~~ 4. *Duty of support* means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

5. *Foreign country* means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and which meets any of the following conditions:

a. Has been declared under the law of the United States to be a foreign reciprocating country.

b. Has established a reciprocal arrangement for child support with this state as provided in section 252K.308.

c. Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

d. In which the convention is in force with respect to the

1 United States.

2 6. "Foreign support order" means a support order of a  
3 foreign tribunal.

4 7. "Foreign tribunal" means a court, administrative  
5 agency, or quasi-judicial entity of a foreign country which  
6 is authorized to establish, enforce, or modify support orders  
7 or to determine parentage of a child. The term includes a  
8 competent authority under the convention.

9 ~~4.~~ 8. "Home state" means the state or foreign country in  
10 which a child lived with a parent or a person acting as parent  
11 for at least six consecutive months immediately preceding the  
12 time of filing of a petition or comparable pleading for support  
13 and, if a child is less than six months old, the state or  
14 foreign country in which the child lived from birth with any of  
15 them. A period of temporary absence of any of them is counted  
16 as part of the six-month or other period.

17 ~~5.~~ 9. "Income" includes earnings or other periodic  
18 entitlements to money from any source and any other property  
19 subject to withholding for support under the law of this state.

20 ~~6.~~ 10. "Income withholding order" means an order or other  
21 legal process directed to an obligor's employer or other payor  
22 of income, as defined by the income withholding law of this  
23 state, to withhold support from the income of the obligor.

24 ~~7.~~ ~~"Initiating state" means a state from which a proceeding~~  
25 ~~is forwarded or in which a proceeding is filed for forwarding~~  
26 ~~to a responding state under this chapter or a law or procedure~~  
27 ~~substantially similar to this chapter, the Uniform Reciprocal~~  
28 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal~~  
29 ~~Enforcement of Support Act.~~

30 ~~8.~~ 11. "Initiating tribunal" means the authorized tribunal  
31 in an initiating of a state or foreign country from which  
32 a petition or comparable pleading is forwarded or in which  
33 a petition or comparable pleading is filed or forwarded to  
34 another state or foreign country.

35 12. "Issuing foreign country" means the foreign country

1 in which a tribunal issues a support order or a judgment  
2 determining parentage of a child.

3 ~~9.~~ 13. "Issuing state" means the state in which a tribunal  
4 issues a support order or ~~renders~~ a judgment determining  
5 parentage of a child.

6 ~~10.~~ 14. "Issuing tribunal" means the tribunal of a state  
7 or foreign country that issues a support order or ~~renders~~ a  
8 judgment determining parentage of a child.

9 ~~11.~~ 15. "Law" includes decisional and statutory law and  
10 rules and regulations having the force of law.

11 ~~12.~~ 16. "Obligee" means any of the following:

12 *a.* An individual to whom a duty of support is or is alleged  
13 to be owed or in whose favor a support order ~~has been issued~~ or  
14 a judgment determining parentage of a child has been ~~rendered~~  
15 issued.

16 *b.* A foreign country, state or political subdivision of a  
17 state to which the rights under a duty of support or support  
18 order have been assigned or which has independent claims based  
19 on financial assistance provided to an individual obligee in  
20 place of child support.

21 *c.* An individual seeking a judgment determining parentage of  
22 the individual's child.

23 *d.* A person that is a creditor in a proceeding under Article  
24 7.

25 ~~13.~~ 17. "Obligor" means an individual, or the estate of a  
26 decedent, to which any of the following applies:

27 *a.* Who owes or is alleged to owe a duty of support.

28 *b.* Who is alleged but has not been adjudicated to be a  
29 parent of a child.

30 *c.* Who is liable under a support order.

31 *d.* Who is a debtor in a proceeding under Article 7.

32 18. "Outside this state" means a location in another state  
33 or a country other than the United States, whether or not the  
34 country is a foreign country.

35 19. "Person" means an individual, corporation, business

1 trust, estate, trust, partnership, limited liability company,  
2 association, joint venture, public corporation, government or  
3 governmental subdivision, agency, or instrumentality, or any  
4 other legal or commercial entity.

5 20. "Record" means information that is inscribed on a  
6 tangible medium or that is stored in an electronic or other  
7 medium and is retrievable in perceivable form.

8 ~~14.~~ 21. "Register" means to file in a tribunal of this  
9 state a support order or judgment determining parentage of a  
10 child issued in the appropriate location for the filing of  
11 foreign judgments another state or foreign country.

12 ~~15.~~ 22. "Registering tribunal" means a tribunal in which  
13 a support order or judgment determining parentage of a child  
14 is registered.

15 ~~16.~~ 23. "Responding state" means a state in which a  
16 proceeding petition or comparable pleading for support or  
17 to determine parentage of a child is filed or to which a  
18 proceeding petition or comparable pleading is forwarded for  
19 filing from an initiating another state under this chapter or  
20 a law or procedure substantially similar to this chapter, the  
21 Uniform Reciprocal Enforcement of Support Act, or the Revised  
22 Uniform Reciprocal Enforcement of Support Act or foreign  
23 country.

24 ~~17.~~ 24. "Responding tribunal" means the authorized tribunal  
25 in a responding state or foreign country.

26 ~~18.~~ 25. "Spousal support order" means a support order for  
27 a spouse or former spouse of the obligor.

28 ~~19.~~ 26. "State" means a state of the United States, the  
29 District of Columbia, Puerto Rico, the United States Virgin  
30 Islands, or any territory or insular possession subject  
31 to under the jurisdiction of the United States. The term  
32 includes:

33 a. An an Indian nation or tribe.

34 b. A foreign jurisdiction that has enacted a law or  
35 established procedures for issuance and enforcement of support

1 ~~orders which are substantially similar to the procedures under~~  
2 ~~this chapter, the Uniform Reciprocal Enforcement of Support~~  
3 ~~Act, or the Revised Uniform Reciprocal Enforcement of Support~~  
4 ~~Act.~~

5 ~~20.~~ 27. "Support enforcement agency" means a public  
6 official, government entity, or private agency authorized to  
7 seek do any of the following:

8 a. Enforcement Seek enforcement of support orders or laws  
9 relating to the duty of support.

10 b. Establishment Seek establishment or modification of child  
11 support.

12 c. Determination Request determination of parentage of a  
13 child.

14 d. Location of Attempt to locate obligors or their assets.

15 e. Request determination of the controlling child support  
16 order.

17 ~~21.~~ 28. "Support order" means a judgment, decree, ~~or~~  
18 order, decision, or directive, whether temporary, final, or  
19 subject to modification, issued in a state or foreign country  
20 for the benefit of a child, a spouse, or a former spouse,  
21 which provides for monetary support, health care, arrearages,  
22 retroactive support, or reimbursement, and for financial  
23 assistance provided to an individual obligee in place of  
24 child support. The term may include related costs and fees,  
25 interest, income withholding, automatic adjustment, reasonable  
26 attorney's fees, and other relief.

27 ~~22.~~ 29. "Tribunal" means a court, administrative agency,  
28 or quasi-judicial entity authorized to establish, enforce, or  
29 modify support orders or to determine parentage of a child.

30 Sec. 3. Section 252K.102, Code 2015, is amended to read as  
31 follows:

32 **252K.102** ~~Tribunals of this state~~ State tribunal and support  
33 enforcement agency.

34 1. The child support recovery unit when the unit establishes  
35 or modifies an order, upon ratification by the court, and the

1 court, are the tribunals of this state.

2 2. The child support recovery unit is the support  
3 enforcement agency of this state.

4 Sec. 4. Section 252K.103, Code 2015, is amended to read as  
5 follows:

6 **252K.103 Remedies cumulative.**

7 1. Remedies provided by this chapter are cumulative and do  
8 not affect the availability of remedies under other law or the  
9 recognition of a foreign support order on the basis of comity.

10 2. This chapter does not do either of the following:

11 a. Provide the exclusive method of establishing or enforcing  
12 a support order under the law of this state.

13 b. Grant a tribunal of this state jurisdiction to render  
14 judgment or issue an order relating to child custody or  
15 visitation in a proceeding under this chapter.

16 Sec. 5. NEW SECTION. **252K.104 Application of chapter to**  
17 **resident of foreign country and foreign support proceeding.**

18 1. A tribunal of this state shall apply Articles 1 through  
19 6 and, as applicable, Article 7, to a support proceeding  
20 involving any of the following:

21 a. A foreign support order.

22 b. A foreign tribunal.

23 c. An obligee, obligor, or child residing in a foreign  
24 country.

25 2. A tribunal of this state that is requested to recognize  
26 and enforce a support order on the basis of comity may apply  
27 the procedural and substantive provisions of Articles 1 through  
28 6.

29 3. Article 7 applies only to a support proceeding under the  
30 convention. In such a proceeding, if a provision of Article 7  
31 is inconsistent with Articles 1 through 6, Article 7 controls.

32 Sec. 6. Section 252K.201, Code 2015, is amended to read as  
33 follows:

34 **252K.201 Bases for jurisdiction over nonresident.**

35 1. In a proceeding to establish, ~~or enforce, or modify~~

1 a support order or to determine parentage of a child, a  
2 tribunal of this state may exercise personal jurisdiction  
3 over a nonresident individual or the individual's guardian or  
4 conservator if any of the following applies:

5 ~~1.~~ a. The individual is personally served with notice  
6 within this state.

7 ~~2.~~ b. The individual submits to the jurisdiction of this  
8 state by consent in a record, by entering a general appearance,  
9 or by filing a responsive document having the effect of waiving  
10 any contest to personal jurisdiction.

11 ~~3.~~ c. The individual resided with the child in this state.

12 ~~4.~~ d. The individual resided in this state and provided  
13 prenatal expenses or support for the child.

14 ~~5.~~ e. The child resides in this state as a result of the  
15 acts or directives of the individual.

16 ~~6.~~ f. The individual engaged in sexual intercourse in this  
17 state and the child may have been conceived by that act of  
18 intercourse.

19 ~~7.~~ g. The individual asserted parentage of a child in the  
20 declaration of paternity registry maintained in this state  
21 by the Iowa department of public health pursuant to section  
22 144.12A or established paternity by affidavit under section  
23 252A.3A.

24 ~~8.~~ h. There is any other basis consistent with the  
25 constitutions of this state and the United States for the  
26 exercise of personal jurisdiction.

27 2. The bases of personal jurisdiction set forth in  
28 subsection 1 or in any other law of this state may not be used  
29 to acquire personal jurisdiction for a tribunal of this state  
30 to modify a child support order of another state unless the  
31 requirements of section 252K.611 are met, or, in the case of  
32 a foreign support order, unless the requirements of section  
33 252K.615 are met.

34 Sec. 7. Section 252K.202, Code 2015, is amended to read as  
35 follows:

1       **252K.202 ~~Procedure when exercising~~ Duration of personal**  
2 **jurisdiction over nonresident.**

3       A Personal jurisdiction acquired by a tribunal of this state  
4 ~~exercising personal jurisdiction over a nonresident under~~  
5 ~~section 252K.201 may apply section 252K.316 to receive evidence~~  
6 ~~from another in a proceeding under this chapter or other law of~~  
7 ~~this state, and section 252K.318 to obtain discovery through~~  
8 ~~relating to a support order continues as long as a tribunal~~  
9 ~~of another this state has continuing, exclusive jurisdiction~~  
10 ~~to modify its order or continuing jurisdiction to enforce its~~  
11 ~~order as provided in sections 252K.205, 252K.206, and 252K.211.~~  
12 ~~In all other respects, articles 3 through 7 do not apply and~~  
13 ~~the tribunal shall apply the procedural and substantive law of~~  
14 ~~this state, including the rules on choice of law other than~~  
15 ~~those established by this chapter.~~

16       Sec. 8. Section 252K.203, Code 2015, is amended to read as  
17 follows:

18       **252K.203 Initiating and responding tribunal of this state.**

19       Under this chapter, a tribunal of this state may serve as  
20 an initiating tribunal to forward proceedings to a tribunal of  
21 another state, and as a responding tribunal for proceedings  
22 initiated in another state or foreign country.

23       Sec. 9. Section 252K.204, Code 2015, is amended to read as  
24 follows:

25       **252K.204 Simultaneous proceedings in ~~another state.~~**

26       1. A tribunal of this state may exercise jurisdiction  
27 to establish a support order if the petition or comparable  
28 pleading is filed after a pleading is filed in another state or  
29 a foreign country only if all of the following apply:

30       a. The petition or comparable pleading in this state is  
31 filed before the expiration of the time allowed in the other  
32 state or the foreign country for filing a responsive pleading  
33 challenging the exercise of jurisdiction by the other state or  
34 the foreign country.

35       b. The contesting party timely challenges the exercise of

1 jurisdiction in the other state or the foreign country.

2 *c.* If relevant, this state is the home state of the child.

3 2. A tribunal of this state may not exercise jurisdiction  
4 to establish a support order if the petition or comparable  
5 pleading is filed before a petition or comparable pleading  
6 is filed in another state or a foreign country if all of the  
7 following apply:

8 *a.* The petition or comparable pleading in the other state  
9 or foreign country is filed before the expiration of the  
10 time allowed in this state for filing a responsive pleading  
11 challenging the exercise of jurisdiction by this state.

12 *b.* The contesting party timely challenges the exercise of  
13 jurisdiction in this state.

14 *c.* If relevant, the other state or foreign country is the  
15 home state of the child.

16 Sec. 10. Section 252K.205, Code 2015, is amended to read as  
17 follows:

18 **252K.205 Continuing, exclusive jurisdiction to modify child**  
19 **support order.**

20 1. A tribunal of this state ~~issuing~~ that has issued a child  
21 support order consistent with the law of this state has and  
22 shall exercise continuing, exclusive jurisdiction ~~over a~~ to  
23 modify its child support order if the order is controlling and  
24 any of the following applies:

25 *a.* ~~As long as~~ At the time of the filing of a request  
26 for modification this state ~~remains~~ is the residence of the  
27 obligor, the individual obligee, or the child for whose benefit  
28 the support order is issued.

29 *b.* ~~Until all of the parties who are individuals have filed~~  
30 ~~written consents with the tribunal of~~ Even if this state for a  
31 is not the residence of the obligor, the individual obligee, or  
32 the child for whose benefit the order is issued, the parties  
33 consent in a record or in open court that the tribunal of  
34 another this state may continue to exercise jurisdiction  
35 to modify the its order and ~~assume continuing, exclusive~~

1 ~~jurisdiction.~~

2 2. A tribunal of this state ~~issuing~~ that has issued a child  
3 support order consistent with the law of this state may not  
4 exercise ~~its~~ continuing, exclusive jurisdiction to modify the  
5 order if ~~the order has been modified by a tribunal of another~~  
6 ~~state pursuant to this chapter or a law substantially similar~~  
7 ~~to this chapter.~~ any of the following applies:

8 a. All of the parties who are individuals file consent in  
9 a record with the tribunal of this state that a tribunal of  
10 another state that has jurisdiction over at least one of the  
11 parties who is an individual or that is located in the state  
12 of residence of the child may modify the order and assume  
13 continuing, exclusive jurisdiction.

14 b. Its order is not the controlling order.

15 3. If a ~~child support order of this state is modified by~~  
16 a tribunal of another state has issued a child support order  
17 pursuant to this chapter the uniform interstate family support  
18 Act or a law substantially similar to ~~this chapter,~~ that Act  
19 which modifies a child support order of a tribunal of this  
20 state ~~loses its,~~ tribunals of this state shall recognize the  
21 continuing, exclusive jurisdiction with regard to prospective  
22 enforcement of the order issued in this of the tribunal of the  
23 other state, and may only:

24 ~~a. Enforce the order that was modified as to amounts~~  
25 ~~accruing before the modification.~~

26 ~~b. Enforce nonmodifiable aspects of that order.~~

27 ~~c. Provide other appropriate relief for violations of~~  
28 ~~that order which occurred before the effective date of the~~  
29 ~~modification.~~

30 4. A tribunal of this state shall ~~recognize the~~ that lacks  
31 continuing, exclusive jurisdiction of a to modify a child  
32 support order may serve as an initiating tribunal of another  
33 state which has issued a child support order pursuant to  
34 request a tribunal of another state to modify a support order  
35 issued in this chapter or a law substantially similar to this

1 ~~chapter~~ that state.

2 5. A temporary support order issued ex parte or pending  
3 resolution of a jurisdictional conflict does not create  
4 continuing, exclusive jurisdiction in the issuing tribunal.

5 ~~6. A tribunal of this state issuing a support order~~  
6 ~~consistent with the law of this state has continuing, exclusive~~  
7 ~~jurisdiction over a spousal support order throughout the~~  
8 ~~existence of the support obligation. A tribunal of this state~~  
9 ~~may not modify a spousal support order issued by a tribunal of~~  
10 ~~another state having continuing, exclusive jurisdiction over~~  
11 ~~that order under the law of that state.~~

12 Sec. 11. Section 252K.206, Code 2015, is amended to read as  
13 follows:

14 ~~252K.206 Enforcement and modification of support order by~~  
15 ~~tribunal having continuing~~ Continuing jurisdiction to enforce  
16 child support order.

17 1. A tribunal of this state that has issued a child support  
18 order consistent with the law of this state may serve as an  
19 initiating tribunal to request a tribunal of another state to  
20 enforce ~~or modify a support order issued in that state.~~ any of  
21 the following:

22 a. The order if the order is the controlling order and has  
23 not been modified by a tribunal of another state that assumed  
24 jurisdiction pursuant to the uniform interstate family support  
25 Act.

26 b. A money judgment for arrears of support and interest on  
27 the order accrued before a determination that an order of a  
28 tribunal of another state is the controlling order.

29 2. A tribunal of this state having continuing, ~~exclusive~~  
30 jurisdiction over a support order may act as a responding  
31 tribunal to enforce ~~or modify the order.~~ If a party subject  
32 ~~to the continuing, exclusive jurisdiction of the tribunal no~~  
33 ~~longer resides in the issuing state, in subsequent proceedings~~  
34 ~~the tribunal may apply section 252K.316 to receive evidence~~  
35 ~~from another state and section 252K.318 to obtain discovery~~

1 ~~through a tribunal of another state.~~

2 ~~3. A tribunal of this state which lacks continuing,~~  
3 ~~exclusive jurisdiction over a spousal support order may not~~  
4 ~~serve as a responding tribunal to modify a spousal support~~  
5 ~~order of another state.~~

6 Sec. 12. Section 252K.207, Code 2015, is amended to read as  
7 follows:

8 **252K.207 Recognition Determination of controlling child**  
9 **support order.**

10 1. If a proceeding is brought under this chapter and only  
11 one tribunal has issued a child support order, the order of  
12 that tribunal controls and must be ~~so~~ recognized.

13 2. If a proceeding is brought under this chapter, and two  
14 or more child support orders have been issued by tribunals  
15 of this state, or another state, or a foreign country with  
16 regard to the same obligor and same child, a tribunal of this  
17 state having personal jurisdiction over both the obligor  
18 and individual obligee shall apply the following rules ~~in~~  
19 determining and by order shall determine which order ~~to~~  
20 recognize for purposes of continuing, exclusive jurisdiction  
21 controls and must be recognized:

22 a. If only one of the tribunals would have continuing,  
23 exclusive jurisdiction under this chapter, the order of that  
24 tribunal controls ~~and must be so recognized.~~

25 b. If more than one of the tribunals would have continuing,  
26 exclusive jurisdiction under this chapter, ~~an order~~ one of the  
27 following shall apply:

28 (1) An order issued by a tribunal in the current home state  
29 of the child controls. ~~and must be so recognized, but if~~

30 (2) If an order has not been issued in the current home  
31 state of the child, the order most recently issued controls ~~and~~  
32 ~~must be so recognized.~~

33 c. If none of the tribunals would have continuing, exclusive  
34 jurisdiction under this chapter, the tribunal of this state  
35 ~~having jurisdiction over the parties~~ shall issue a child

1 support order, which controls ~~and must be so recognized.~~

2 3. If two or more child support orders have been issued  
3 for the same obligor and same child ~~and if the obligor or the~~  
4 ~~individual obligee resides in this state,~~ upon request of a  
5 party may request who is an individual or that is a support  
6 enforcement agency, a tribunal of this state ~~to~~ having personal  
7 jurisdiction over both the obligor and the obligee who is an  
8 individual shall determine which order controls ~~and must be~~  
9 ~~so recognized~~ under subsection 2. The request ~~must~~ may be  
10 ~~accompanied by a certified copy of every support order in~~  
11 ~~effect. The requesting party shall give notice of the request~~  
12 ~~to each party whose rights may be affected by the determination~~  
13 filed with a registration for enforcement or registration  
14 for modification pursuant to Article 6, or may be filed as a  
15 separate proceeding.

16 4. A request to determine which is the controlling order  
17 must be accompanied by a copy of every child support order in  
18 effect and the applicable record of payments. The requesting  
19 party shall give notice of the request to each party whose  
20 rights may be affected by the determination.

21 5. The tribunal that issued the controlling order under  
22 subsection 1, 2, or 3 ~~is the tribunal that has continuing,~~  
23 exclusive jurisdiction under to the extent provided in section  
24 252K.205 or 252K.206.

25 5. 6. A tribunal of this state ~~which~~ that determines by  
26 ~~order the identity of~~ which is the controlling order under  
27 subsection 2, paragraph "a" or "b" or subsection 3, or ~~which~~  
28 that issues a new controlling order under subsection 2,  
29 paragraph "c", shall state in that order: the

30 a. The basis upon which the tribunal made its determination.

31 b. The amount of prospective support, if any.

32 c. The total amount of consolidated arrears and accrued  
33 interest, if any, under all of the orders after all payments  
34 made are credited as provided in section 252K.209.

35 6. 7. Within thirty days after issuance of an order

1 determining ~~the identity of~~ which is the controlling order,  
2 the party obtaining the order shall file a certified copy of  
3 it ~~with~~ in each tribunal that issued or registered an earlier  
4 order of child support. A party ~~who obtains~~ or support  
5 enforcement agency obtaining the order and that fails to file  
6 a certified copy is subject to appropriate sanctions by a  
7 tribunal in which the issue of failure to file arises. The  
8 failure to file does not affect the validity or enforceability  
9 of the controlling order.

10 8. An order that has been determined to be the controlling  
11 order, or a judgment for consolidated arrears of support  
12 and interest, if any, made pursuant to this section must be  
13 recognized in proceedings under this chapter.

14 Sec. 13. Section 252K.208, Code 2015, is amended to read as  
15 follows:

16 **252K.208 ~~Multiple child~~ Child support orders for two or more**  
17 **obligees.**

18 In responding to ~~multiple~~ registrations or requests for  
19 enforcement of two or more child support orders in effect at  
20 the same time with regard to the same obligor and different  
21 individual obligees, at least one of which was issued by a  
22 tribunal of another state or a foreign country, a tribunal of  
23 this state shall enforce those orders in the same manner as  
24 if the ~~multiple~~ orders had been issued by a tribunal of this  
25 state.

26 Sec. 14. Section 252K.209, Code 2015, is amended to read as  
27 follows:

28 **252K.209 Credit for payments.**

29 ~~Amounts~~ A tribunal of this state shall credit amounts  
30 collected and credited for a particular period pursuant to a  
31 any child support order against the amounts owed for the same  
32 period under any other child support order for support of the  
33 same child issued by a tribunal of this state, another state,  
34 ~~must be credited against the amounts accruing or accrued for~~  
35 ~~the same period under a support order issued by the tribunal of~~

1 ~~this state a foreign country.~~

2     Sec. 15. NEW SECTION. **252K.210 Application of chapter to**  
3 **nonresident subject to personal jurisdiction.**

4     A tribunal of this state exercising personal jurisdiction  
5 over a nonresident in a proceeding under this chapter, under  
6 other law of this state relating to a support order, or  
7 recognizing a foreign support order may receive evidence from  
8 outside this state pursuant to section 252K.316, communicate  
9 with a tribunal outside this state pursuant to section  
10 252K.317, and obtain discovery through a tribunal outside this  
11 state pursuant to section 252K.318. In all other respects,  
12 Articles 3 through 6 do not apply, and the tribunal shall apply  
13 the procedural and substantive law of this state.

14     Sec. 16. NEW SECTION. **252K.211 Continuing, exclusive**  
15 **jurisdiction to modify spousal support order.**

16     1. A tribunal of this state issuing a spousal support order  
17 consistent with the law of this state has continuing, exclusive  
18 jurisdiction to modify the spousal support order throughout the  
19 existence of the support obligation.

20     2. A tribunal of this state may not modify a spousal support  
21 order issued by a tribunal of another state or a foreign  
22 country having continuing, exclusive jurisdiction over that  
23 order under the law of that state or foreign country.

24     3. A tribunal of this state that has continuing, exclusive  
25 jurisdiction over a spousal support order may serve as any of  
26 the following:

27     *a.* An initiating tribunal to request a tribunal of another  
28 state to enforce the spousal support order issued in this  
29 state.

30     *b.* A responding tribunal to enforce or modify its own  
31 spousal support order.

32     Sec. 17. Section 252K.301, Code 2015, is amended to read as  
33 follows:

34     **252K.301 Proceedings under this chapter.**

35     1. Except as otherwise provided in this chapter, this

1 article applies to all proceedings under this chapter.

2 ~~2. This chapter provides for the following proceedings:~~

3 ~~a. Establishment of an order for spousal support or child~~  
4 ~~support pursuant to article 4.~~

5 ~~b. Enforcement of a support order and income withholding~~  
6 ~~order of another state without registration pursuant to article~~  
7 ~~5.~~

8 ~~c. Registration of an order for spousal support or child~~  
9 ~~support of another state for enforcement pursuant to article 6.~~

10 ~~d. Modification of an order for child support or spousal~~  
11 ~~support issued by a tribunal of this state pursuant to article~~  
12 ~~2, part 2.~~

13 ~~e. Registration of an order for child support of another~~  
14 ~~state for modification pursuant to article 6.~~

15 ~~f. Determination of parentage pursuant to article 7.~~

16 ~~g. Assertion of jurisdiction over nonresidents pursuant to~~  
17 ~~article 2, part 1.~~

18 ~~3.~~ An individual movant or a support enforcement agency may  
19 ~~commence~~ initiate a proceeding authorized under this chapter  
20 by filing a petition or a comparable pleading in an initiating  
21 tribunal for forwarding to a responding tribunal or by filing  
22 a petition or a comparable pleading directly in a tribunal of  
23 another state or a foreign country which has or can obtain  
24 personal jurisdiction over the respondent or nonmoving party.

25 Sec. 18. Section 252K.302, Code 2015, is amended to read as  
26 follows:

27 **252K.302 Action Proceeding by minor parent.**

28 A minor parent, or a guardian or other legal representative  
29 of a minor parent, may maintain a proceeding on behalf of or  
30 for the benefit of the minor's child.

31 Sec. 19. Section 252K.303, Code 2015, is amended to read as  
32 follows:

33 **252K.303 Application of law of this state.**

34 Except as otherwise provided by this chapter, a responding  
35 tribunal of this state shall do all of the following:

1 1. Apply the procedural and substantive law, ~~including~~  
2 ~~the rules on choice of law~~, generally applicable to similar  
3 proceedings originating in this state, and may exercise all  
4 powers and provide all remedies available in those proceedings.

5 2. Determine the duty of support and the amount payable in  
6 accordance with the law and support guidelines of this state.

7 Sec. 20. Section 252K.304, Code 2015, is amended to read as  
8 follows:

9 **252K.304 Duties of initiating tribunal.**

10 1. Upon the filing of a petition or comparable pleading  
11 authorized by this chapter, an initiating tribunal of this  
12 state shall forward ~~three copies of~~ the petition or comparable  
13 pleading and its accompanying documents:

14 a. To the responding tribunal or appropriate support  
15 enforcement agency in the responding state.

16 b. If the identity of the responding tribunal is unknown,  
17 to the state information agency of the responding state with a  
18 request that they be forwarded to the appropriate tribunal and  
19 that receipt be acknowledged.

20 2. If a requested by the responding state has not enacted  
21 ~~this law or a law or procedure substantially similar to this~~  
22 ~~chapter~~, a tribunal, a tribunal of this state ~~may~~ shall issue a  
23 certificate or other document and make findings required by the  
24 law of the responding state. If the responding ~~state~~ tribunal  
25 is in a foreign jurisdiction country, upon request the tribunal  
26 ~~may of this state shall~~ specify the amount of support sought,  
27 convert that amount into the equivalent amount in the foreign  
28 currency under applicable official or market exchange rates as  
29 publicly reported, and provide any other documents necessary  
30 to satisfy the requirements of the responding ~~state~~ foreign  
31 tribunal.

32 Sec. 21. Section 252K.305, Code 2015, is amended to read as  
33 follows:

34 **252K.305 Duties and powers of responding tribunal.**

35 1. When a responding tribunal of this state receives a

1 petition or comparable pleading from an initiating tribunal  
2 or directly pursuant to section 252K.301, subsection ~~3~~ 2, it  
3 shall cause the petition or pleading to be filed and notify the  
4 movant where and when it was filed.

5 2. A responding tribunal of this state, to the extent  
6 ~~otherwise authorized~~ not prohibited by other law, may do one or  
7 more of the following:

8 a. ~~Issue~~ Establish or enforce a support order, modify a  
9 child support order, determine the controlling child support  
10 order, or ~~render a judgment to determine parentage of a child~~.

11 b. Order an obligor to comply with a support order,  
12 specifying the amount and the manner of compliance.

13 c. Order income withholding.

14 d. Determine the amount of any arrearages, and specify a  
15 method of payment.

16 e. Enforce orders by civil or criminal contempt, or both.

17 f. Set aside property for satisfaction of the support order.

18 g. Place liens and order execution on the obligor's  
19 property.

20 h. Order an obligor to keep the tribunal informed of  
21 the obligor's current residential address, electronic mail  
22 address, telephone number, employer, address of employment, and  
23 telephone number at the place of employment.

24 i. Issue a bench warrant for an obligor who has failed after  
25 proper notice to appear at a hearing ordered by the tribunal  
26 and enter the bench warrant in any local and state computer  
27 systems for criminal warrants.

28 j. Order the obligor to seek appropriate employment by  
29 specified methods.

30 k. Award reasonable attorney's fees and other fees and  
31 costs.

32 l. Grant any other available remedy.

33 3. A responding tribunal of this state shall include in a  
34 support order issued under this chapter, or in the documents  
35 accompanying the order, the calculations on which the support

1 order is based.

2 4. A responding tribunal of this state may not condition  
3 the payment of a support order issued under this chapter upon  
4 compliance by a party with provisions for visitation.

5 5. If a responding tribunal of this state issues an order  
6 under this chapter, the tribunal shall send a copy of the  
7 order to the movant and the respondent and to the initiating  
8 tribunal, if any.

9 6. If requested to enforce a support order, arrears,  
10 or judgment or modify a support order stated in a foreign  
11 currency, a responding tribunal of this state shall convert the  
12 amount stated in the foreign currency to the equivalent amount  
13 in dollars under the applicable official or market exchange  
14 rate as publicly reported.

15 Sec. 22. Section 252K.306, Code 2015, is amended to read as  
16 follows:

17 **252K.306 Inappropriate tribunal.**

18 If a petition or comparable pleading is received by  
19 an inappropriate tribunal of this state, ~~it~~ the tribunal  
20 shall forward the pleading and accompanying documents to an  
21 appropriate tribunal ~~in~~ of this state or another state and  
22 notify the movant where and when the pleading was sent.

23 Sec. 23. Section 252K.307, Code 2015, is amended to read as  
24 follows:

25 **252K.307 Duties of support enforcement agency.**

26 1. A In a proceeding under this chapter, a support  
27 enforcement agency of this state, upon request, shall:

28 a. Shall provide services to a movant in a proceeding under  
29 this chapter residing in a state.

30 b. Shall provide services to a movant requesting services  
31 through a central authority of a foreign country as described  
32 in section 252K.101, subsection 5, paragraph "a" or "d".

33 c. May provide services to a movant who is an individual not  
34 residing in a state.

35 2. A support enforcement agency of this state that is

1 providing services to the movant ~~as appropriate~~ shall:

2     *a.* Take all steps necessary to enable an appropriate  
3 tribunal ~~in~~ of this state, or another state, or a foreign  
4 country to obtain jurisdiction over the respondent.

5     *b.* Request an appropriate tribunal to set a date, time, and  
6 place for a hearing.

7     *c.* Make a reasonable effort to obtain all relevant  
8 information, including information as to income and property  
9 of the parties.

10     *d.* Within ~~five~~ ten days, exclusive of Saturdays, Sundays,  
11 and legal holidays, after receipt of a ~~written~~ notice in a  
12 record from an initiating, responding, or registering tribunal,  
13 send a copy of the notice to the movant.

14     *e.* Within ~~five~~ ten days, exclusive of Saturdays, Sundays,  
15 and legal holidays, after receipt of a ~~written~~ communication in  
16 a record from the respondent or the respondent's attorney, send  
17 a copy of the communication to the movant.

18     *f.* Notify the movant if jurisdiction over the respondent  
19 cannot be obtained.

20     3. A support enforcement agency of this state that requests  
21 registration of a child support order in this state for  
22 enforcement or for modification shall make reasonable efforts  
23 to do either of the following:

24     *a.* To ensure that the order to be registered is the  
25 controlling order.

26     *b.* If two or more child support orders exist and the  
27 identity of the controlling order has not been determined,  
28 to ensure that a request for such determination is made in a  
29 tribunal having jurisdiction to do so.

30     4. A support enforcement agency of this state that requests  
31 registration and enforcement of a support order, arrears, or  
32 judgment stated in a foreign currency shall convert the amounts  
33 stated in the foreign currency into the equivalent amounts in  
34 dollars under the applicable official or market exchange rate  
35 as publicly reported.

1     5. A support enforcement agency of this state shall issue  
2 or request a tribunal of this state to issue a child support  
3 order and an income withholding order that redirect payment of  
4 current support, arrears, and interest if requested to do so  
5 by a support enforcement agency of another state pursuant to  
6 section 252K.319.

7     6. This chapter does not create or negate a relationship of  
8 attorney and client or other fiduciary relationship between a  
9 support enforcement agency or the attorney for the agency and  
10 the individual being assisted by the agency.

11     Sec. 24. Section 252K.308, Code 2015, is amended to read as  
12 follows:

13     **252K.308 Duty of attorney general.**

14     1. If the attorney general determines that the support  
15 enforcement agency is neglecting or refusing to provide  
16 services to an individual, the attorney general may order the  
17 agency to perform its duties under this chapter or may provide  
18 those services directly to the individual.

19     2. The attorney general may determine that a foreign country  
20 has established a reciprocal arrangement for child support with  
21 this state and take appropriate action for notification of the  
22 determination.

23     Sec. 25. Section 252K.310, Code 2015, is amended to read as  
24 follows:

25     **252K.310 Duties of state information agency.**

26     1. The child support recovery unit is the state information  
27 agency under this chapter.

28     2. The state information agency shall:

29     a. Compile and maintain a current list, including addresses,  
30 of the tribunals in this state which have jurisdiction under  
31 this chapter and any support enforcement agencies in this state  
32 and transmit a copy to the state information agency of every  
33 other state.

34     b. Maintain a register of names and addresses of tribunals  
35 and support enforcement agencies received from other states.

1 c. Forward to the appropriate tribunal in the place in this  
2 state in which the ~~individual~~ obligee who is an individual or  
3 the obligor resides, or in which the obligor's property is  
4 believed to be located, all documents concerning a proceeding  
5 under this chapter received from ~~an initiating tribunal or the~~  
6 ~~state information agency of the initiating state~~ another state  
7 or a foreign country.

8 d. Obtain information concerning the location of the obligor  
9 and the obligor's property within this state not exempt from  
10 execution, by such means as postal verification and federal or  
11 state locator services, examination of telephone directories,  
12 requests for the obligor's address from employers, and  
13 examination of governmental records, including, to the extent  
14 not prohibited by other law, those relating to real property,  
15 vital statistics, law enforcement, taxation, motor vehicles,  
16 driver's licenses, and social security.

17 Sec. 26. Section 252K.311, Code 2015, is amended to read as  
18 follows:

19 **252K.311 Pleadings and accompanying documents.**

20 1. A In a proceeding under this chapter, a movant seeking to  
21 establish a support order, to determine parentage of a child,  
22 or to register and modify a support order of a tribunal of  
23 another state or to determine parentage in a proceeding under  
24 this chapter a foreign country must verify the file a petition  
25 or comparable pleading. Unless otherwise ordered under section  
26 252K.312, the petition, comparable pleading, or accompanying  
27 documents must provide, so far as known, the name, residential  
28 address, and social security numbers of the obligor and the  
29 obligee or the parent and alleged parent, and the name, sex,  
30 residential address, social security number, and date of birth  
31 of each child for whom whose benefit support is sought or whose  
32 parentage is to be determined. The Unless filed at the time  
33 of registration, the petition or comparable pleading must be  
34 accompanied by a certified copy of any support order in effect  
35 known to have been issued by another tribunal. The petition or

1 comparable pleading may include any other information that may  
2 assist in locating or identifying the respondent.

3 2. The petition or comparable pleading must specify the  
4 relief sought. The petition or comparable pleading and  
5 accompanying documents ~~shall~~ must conform substantially with  
6 the requirements imposed by the forms mandated by federal law  
7 for use in cases filed by a support enforcement agency.

8 Sec. 27. Section 252K.312, Code 2015, is amended to read as  
9 follows:

10 **252K.312 Nondisclosure of information in exceptional**  
11 **circumstances.**

12 ~~Upon a finding, which may be made ex parte, If a party~~  
13 alleges in an affidavit or a pleading under oath that the  
14 health, safety, or liberty of a party or child would be  
15 unreasonably put at risk jeopardized by the disclosure of  
16 specific identifying information, or if an existing order so  
17 provides, a tribunal shall order that the address of the child  
18 or party or other identifying information must be sealed and  
19 may not be disclosed to the other party or the public. After a  
20 hearing in a pleading or other document filed in a proceeding  
21 under this chapter which a tribunal takes into consideration  
22 the health, safety, or liberty of the party or child, the  
23 tribunal may order disclosure of information that the tribunal  
24 determines to be in the interest of justice.

25 Sec. 28. Section 252K.313, Code 2015, is amended to read as  
26 follows:

27 **252K.313 Costs and fees.**

28 1. The movant ~~shall~~ may not be required to pay a filing fee  
29 or other costs.

30 2. If an obligee prevails, a responding tribunal of this  
31 state may assess against an obligor filing fees, reasonable  
32 attorney fees, other costs, and necessary travel and other  
33 reasonable expenses incurred by the obligee and the obligee's  
34 witnesses. The tribunal may not assess fees, costs, or  
35 expenses against the obligee or the support enforcement agency

1 of either the initiating or ~~the~~ responding state or foreign  
2 country, except as provided by other law. Attorney fees may  
3 be taxed as costs, and may be ordered paid directly to the  
4 attorney, who may enforce the order in the attorney's own name.  
5 Payment of support owed to the obligee has priority over fees,  
6 costs, and expenses.

7 3. The tribunal shall order the payment of costs and  
8 reasonable attorney's fees if ~~the tribunal~~ it determines that  
9 a hearing was requested primarily for delay. In a proceeding  
10 under ~~article~~ Article 6, a hearing is presumed to have been  
11 requested primarily for delay if a registered support order is  
12 confirmed or enforced without change.

13 Sec. 29. Section 252K.314, Code 2015, is amended to read as  
14 follows:

15 **252K.314 Limited immunity of movant.**

16 1. Participation by a movant in a proceeding under this  
17 chapter before a responding tribunal, whether in person, by  
18 private attorney, or through services provided by the support  
19 enforcement agency, does not confer personal jurisdiction over  
20 the movant in another proceeding.

21 2. A movant is not amenable to service of civil process  
22 while physically present in this state to participate in a  
23 proceeding under this chapter.

24 3. The immunity granted by this section does not extend to  
25 civil litigation based on acts unrelated to a proceeding under  
26 this chapter committed by a party while physically present in  
27 this state to participate in the proceeding.

28 Sec. 30. Section 252K.316, Code 2015, is amended to read as  
29 follows:

30 **252K.316 Special rules of evidence and procedure.**

31 1. The physical presence of ~~the movant~~ a nonresident  
32 party who is an individual in a ~~responding~~ tribunal of this  
33 state is not required for the establishment, enforcement, or  
34 modification of a support order or the rendition of a judgment  
35 determining parentage of a child.

1     2. ~~A verified petition,~~ An affidavit, a document  
2 substantially complying with federally mandated forms, ~~and or a~~  
3 document incorporated by reference in any of them, which would  
4 not be excluded under the hearsay rule if given in person, is  
5 admissible in evidence if given under ~~oath~~ penalty of perjury  
6 by a party or witness residing ~~in another~~ outside this state.

7     3. A copy of the record of child support payments certified  
8 as a true copy of the original by the custodian of the record  
9 may be forwarded to a responding tribunal. The copy is  
10 evidence of facts asserted in it, and is admissible to show  
11 whether payments were made.

12     4. Copies of bills for testing for parentage of a child,  
13 and for prenatal and postnatal health care of the mother and  
14 child, furnished to the adverse party at least ten days before  
15 trial, are admissible in evidence to prove the amount of the  
16 charges billed and that the charges were reasonable, necessary,  
17 and customary.

18     5. Documentary evidence transmitted from ~~another~~  
19 outside this state to a tribunal of this state by telephone,  
20 telecopier, or other electronic means that do not provide an  
21 original ~~writing~~ record may not be excluded from evidence on an  
22 objection based on the means of transmission.

23     6. In a proceeding under this chapter, a tribunal of this  
24 state ~~may~~ shall permit a party or witness residing ~~in another~~  
25 outside this state to be deposed or to testify under penalty of  
26 perjury by telephone, audiovisual means, or other electronic  
27 means at a designated tribunal or other location ~~in that state.~~  
28 A tribunal of this state shall cooperate with other tribunals  
29 ~~of other states~~ in designating an appropriate location for the  
30 deposition or testimony.

31     7. If a party called to testify at a civil hearing refuses  
32 to answer on the ground that the testimony may be self  
33 incriminating, the trier of fact may draw an adverse inference  
34 from the refusal.

35     8. A privilege against disclosure of communications between

1 spouses does not apply in a proceeding under this chapter.

2 9. The defense of immunity based on the relationship of  
3 husband and wife or parent and child does not apply in a  
4 proceeding under this chapter.

5 10. A voluntary acknowledgment of paternity, certified as a  
6 true copy, is admissible to establish parentage of a child.

7 Sec. 31. Section 252K.317, Code 2015, is amended to read as  
8 follows:

9 **252K.317 Communications between tribunals.**

10 A tribunal of this state may communicate with a tribunal  
11 ~~of another~~ outside this state in writing a record, or by  
12 telephone, electronic mail, or other means, to obtain  
13 information concerning the laws ~~of that state~~, the legal effect  
14 of a judgment, decree, or order of that tribunal, and the  
15 status of a proceeding ~~in the other state~~. A tribunal of this  
16 state may furnish similar information by similar means to a  
17 tribunal ~~of another~~ outside this state.

18 Sec. 32. Section 252K.318, Code 2015, is amended to read as  
19 follows:

20 **252K.318 Assistance with discovery.**

21 A tribunal of this state may:

22 1. Request a tribunal ~~of another~~ outside this state to  
23 assist in obtaining discovery.

24 2. Upon request, compel a person over ~~whom~~ which it has  
25 jurisdiction to respond to a discovery order issued by a  
26 tribunal ~~of another~~ outside this state.

27 Sec. 33. Section 252K.319, Code 2015, is amended to read as  
28 follows:

29 **252K.319 Receipt and disbursement of payments.**

30 1. A support enforcement agency or tribunal of this state  
31 shall disburse promptly any amounts received pursuant to  
32 a support order, as directed by the order. The agency or  
33 tribunal shall furnish to a requesting party or a tribunal of  
34 another state or a foreign country a certified statement by  
35 the custodian of the record of the amounts and dates of all

1 payments received.

2 2. If neither the obligor, nor the obligee who is an  
3 individual, nor the child resides in this state, upon request  
4 from the support enforcement agency of this state or another  
5 state, the child support recovery unit or a tribunal of this  
6 state shall:

7 a. Direct that the support payment be made to the support  
8 enforcement agency in the state in which the obligee is  
9 receiving services.

10 b. Issue and send to the obligor's employer a conforming  
11 income withholding order or an administrative notice of change  
12 of payee, reflecting the redirected payments.

13 3. The support enforcement agency of this state receiving  
14 redirected payments from another state pursuant to a law  
15 similar to subsection 2 shall furnish to a requesting party  
16 or tribunal of the other state a certified statement by the  
17 custodian of the record of the amount and dates of all payments  
18 received.

19 Sec. 34. Section 252K.401, Code 2015, is amended to read as  
20 follows:

21 **252K.401 ~~Petition to establish~~ Establishment of support**  
22 **order.**

23 1. If a support order entitled to recognition under this  
24 chapter has not been issued, a responding tribunal of this  
25 state with personal jurisdiction over the parties may issue a  
26 support order if any of the following applies:

27 a. The individual seeking the order resides in another  
28 outside this state.

29 b. The support enforcement agency seeking the order is  
30 located in another outside this state.

31 2. The tribunal may issue a temporary child support order if  
32 the tribunal determines that such an order is appropriate and  
33 the individual ordered to pay is any of the following applies:

34 a. ~~The respondent has signed a verified statement~~  
35 acknowledging parentage A presumed father of the child.

1 ~~b. The respondent has been determined by or pursuant~~  
2 Petitioning to law to be the parent have his paternity  
3 adjudicated.

4 ~~c. There is other clear and convincing evidence that the~~  
5 ~~respondent is the child's parent~~ Identified as the father of  
6 the child through genetic testing.

7 d. An alleged father who has declined to submit to genetic  
8 testing.

9 e. Shown by clear and convincing evidence to be the father  
10 of the child.

11 f. An acknowledged father as provided by section 252A.3A.

12 g. The mother of the child.

13 h. An individual who has been ordered to pay child support  
14 in a previous proceeding and the order has been reversed or  
15 vacated.

16 3. Upon finding, after notice and opportunity to be heard,  
17 that an obligor owes a duty of support, the tribunal shall  
18 issue a support order directed to the obligor and may issue  
19 other orders pursuant to section 252K.305.

20 Sec. 35. NEW SECTION. 252K.402 Proceeding to determine  
21 parentage.

22 A tribunal of this state authorized to determine parentage  
23 of a child may serve as a responding tribunal in a proceeding  
24 to determine parentage of a child brought under this chapter or  
25 a law or procedure substantially similar to this chapter.

26 Sec. 36. Section 252K.501, Code 2015, is amended to read as  
27 follows:

28 **252K.501 Employer's receipt of income withholding order of**  
29 **another state.**

30 An income withholding order issued in another state may  
31 be sent by or on behalf of the obligee, or by the support  
32 enforcement agency, to the person ~~or entity~~ defined as the  
33 obligor's employer under the income withholding law of this  
34 state without first filing a petition or comparable pleading or  
35 registering the order with a tribunal of this state.

1     Sec. 37. Section 252K.502, subsection 3, paragraph b, Code  
2 2015, is amended to read as follows:

3     **b.** The person ~~or agency~~ designated to receive payments and  
4 the address to which the payments are to be forwarded.

5     Sec. 38. Section 252K.503, Code 2015, is amended to read as  
6 follows:

7     **252K.503 ~~Compliance~~ Employer's compliance with multiple two**  
8 **or more income withholding orders.**

9     If an obligor's employer receives ~~multiple~~ two or more  
10 income withholding orders with respect to the earnings of the  
11 same obligor, the employer satisfies the terms of the ~~multiple~~  
12 orders if the employer complies with the law of the state of  
13 the obligor's principal place of employment to establish the  
14 priorities for withholding and allocating income withheld for  
15 ~~multiple~~ two or more child support obligees.

16     Sec. 39. Section 252K.504, Code 2015, is amended to read as  
17 follows:

18     **252K.504 Immunity from civil liability.**

19     An employer ~~who~~ that complies with an income withholding  
20 order issued in another state in accordance with this article  
21 is not subject to civil liability to an individual or agency  
22 with regard to the employer's withholding of child support from  
23 the obligor's income.

24     Sec. 40. Section 252K.505, Code 2015, is amended to read as  
25 follows:

26     **252K.505 Penalties for noncompliance.**

27     An employer ~~who~~ that willfully fails to comply with an income  
28 withholding order issued ~~by~~ in another state and received  
29 for enforcement is subject to the same penalties that may be  
30 imposed for noncompliance with an order issued by a tribunal  
31 of this state.

32     Sec. 41. Section 252K.506, Code 2015, is amended to read as  
33 follows:

34     **252K.506 Contest by obligor.**

35     1. An obligor may contest the validity or enforcement of an

1 income withholding order issued in another state and received  
2 directly by an employer in this state by registering the order  
3 in a tribunal of this state and filing a contest to that order  
4 as provided in Article 6, or otherwise contesting the order in  
5 the same manner as if the order had been issued by a tribunal of  
6 this state. ~~Section 252K.604 applies to the contest.~~

7 2. The obligor shall give notice of the contest to:

8 a. A support enforcement agency providing services to the  
9 obligee.

10 b. Each employer that has directly received an income  
11 withholding order relating to the obligor.

12 c. The person ~~or agency~~ designated to receive payments in  
13 the income withholding order, or if no person ~~or agency~~ is  
14 designated, to the obligee.

15 Sec. 42. Section 252K.507, subsection 1, Code 2015, is  
16 amended to read as follows:

17 1. A party or support enforcement agency seeking to enforce  
18 a support order or an income withholding order, or both, issued  
19 ~~by a tribunal of~~ in another state or a foreign support order  
20 may send the documents required for registering the order to a  
21 support enforcement agency of this state.

22 Sec. 43. Section 252K.601, Code 2015, is amended to read as  
23 follows:

24 **252K.601 Registration of order for enforcement.**

25 A support order or an income withholding order issued ~~by a~~  
26 ~~tribunal of~~ in another state or a foreign support order may be  
27 registered in this state for enforcement.

28 Sec. 44. Section 252K.602, Code 2015, is amended to read as  
29 follows:

30 **252K.602 Procedure to register order for enforcement.**

31 1. A Except as otherwise provided in section 252K.706,  
32 a support order or income withholding order of another state  
33 or a foreign support order may be registered in this state by  
34 sending the following ~~documents and information~~ records to the  
35 appropriate tribunal in this state:

1     *a.* A letter of transmittal to the tribunal requesting  
2 registration and enforcement.

3     *b.* Two copies, including one certified copy, of ~~all orders~~  
4 the order to be registered, including any modification of ~~an~~  
5 the order.

6     *c.* A sworn statement by the ~~party seeking~~ person requesting  
7 registration or a certified statement by the custodian of the  
8 records showing the amount of any arrearage.

9     *d.* The name of the obligor and, if known:

10       (1) The obligor's address and social security number.

11       (2) The name and address of the obligor's employer and any  
12 other source of income of the obligor.

13       (3) A description and the location of property of the  
14 obligor in this state not exempt from execution.

15     *e.* The Except as otherwise provided in section 252K.312, the  
16 name and address of the obligee and, if applicable, the agency  
17 ~~or~~ person to whom support payments are to be remitted.

18     2. On receipt of a request for registration, the registering  
19 tribunal shall cause the order to be filed as an order of a  
20 tribunal of another state or a foreign judgment support order,  
21 together with one copy of the documents and information,  
22 regardless of their form.

23     3. A petition or comparable pleading seeking a remedy that  
24 must be affirmatively sought under other law of this state may  
25 be filed at the same time as the request for registration or  
26 later. The pleading must specify the grounds for the remedy  
27 sought.

28     4. If two or more orders are in effect, the person  
29 requesting registration shall:

30       *a.* Furnish to the tribunal a copy of every support order  
31 asserted to be in effect in addition to the documents specified  
32 in this section.

33       *b.* Specify the order alleged to be the controlling order,  
34 if any.

35       *c.* Specify the amount of consolidated arrears, if any.

1     5. A request for determination of which is the  
2 controlling order may be filed separately or with a request  
3 for registration and enforcement or for registration and  
4 modification. The person requesting registration shall give  
5 notice of the request to each party whose rights may be  
6 affected by the determination.

7     Sec. 45. Section 252K.603, Code 2015, is amended to read as  
8 follows:

9     **252K.603 Effect of registration for enforcement.**

10     1. A support order or income withholding order issued in  
11 another state or a foreign support order is registered when the  
12 order is filed in the registering tribunal of this state.

13     2. A registered support order issued in another state or  
14 a foreign country is enforceable in the same manner and is  
15 subject to the same procedures as an order issued by a tribunal  
16 of this state.

17     3. Except as otherwise provided in this ~~article~~ chapter, a  
18 tribunal of this state shall recognize and enforce, but may not  
19 modify, a registered support order if the issuing tribunal had  
20 jurisdiction.

21     Sec. 46. Section 252K.604, Code 2015, is amended to read as  
22 follows:

23     **252K.604 Choice of law.**

24     1. ~~The~~ Except as otherwise provided in subsection 4, the law  
25 of the issuing state or foreign country governs the:

26     a. The nature, extent, amount, and duration of current  
27 payments and other obligations of under a registered support  
28 and the order.

29     b. The computation and payment of arrearages and accrual of  
30 interest on the arrearages under the support order.

31     c. The existence and satisfaction of other obligations under  
32 the support order.

33     2. In a proceeding for arrearages arrears under a registered  
34 support order, the statute of limitation ~~under the laws~~ of this  
35 state or of the issuing state or foreign country, whichever is

1 longer, applies.

2 3. A responding tribunal of this state shall apply the  
3 procedures and remedies of this state to enforce current  
4 support and collect arrears and interest due on a support order  
5 of another state or a foreign country registered in this state.

6 4. After a tribunal of this state or another state  
7 determines which is the controlling order and issues an order  
8 consolidating arrears, if any, a tribunal of this state shall  
9 prospectively apply the law of the state or foreign country  
10 issuing the controlling order, including its law on interest  
11 on arrears, on current and future support, and on consolidated  
12 arrears.

13 Sec. 47. Section 252K.605, Code 2015, is amended to read as  
14 follows:

15 **252K.605 Notice of registration of order.**

16 1. When a support order or income withholding order issued  
17 in another state or a foreign support order is registered,  
18 the registering tribunal of this state shall notify the  
19 nonregistering party. The notice must be accompanied by a  
20 copy of the registered order and the documents and relevant  
21 information accompanying the order.

22 2. The A notice must inform the nonregistering party:

23 a. That a registered support order is enforceable as of the  
24 date of registration in the same manner as an order issued by a  
25 tribunal of this state.

26 b. That a hearing to contest the validity or enforcement of  
27 the registered order must be requested within twenty days after  
28 ~~the date of mailing or personal service of the notice~~ unless  
29 the registered order is contested under section 252K.707.

30 c. That failure to contest the validity or enforcement  
31 of the registered order in a timely manner will result in  
32 confirmation of the order and enforcement of the order and the  
33 alleged arrearages ~~and precludes further contest of that order~~  
34 ~~with respect to any matter that could have been asserted.~~

35 d. Of the amount of any alleged arrearages.

1     3. If the registering party asserts that two or more orders  
2 are in effect, a notice must also:

3     a. Identify the two or more orders and the order alleged  
4 by the registering party to be the controlling order and the  
5 consolidated arrears, if any.

6     b. Notify the nonregistering party of the right to a  
7 determination of which is the controlling order.

8     c. State that the procedures provided in subsection 2 apply  
9 to the determination of which is the controlling order.

10    d. State that failure to contest the validity or enforcement  
11 of the order alleged to be the controlling order in a timely  
12 manner may result in confirmation that the order is the  
13 controlling order.

14    4. Upon registration of an income withholding order for  
15 enforcement, the support enforcement agency or the registering  
16 tribunal shall notify the obligor's employer pursuant to the  
17 income withholding law of this state.

18    Sec. 48. Section 252K.606, Code 2015, is amended to read as  
19 follows:

20    **252K.606 Procedure to contest validity or enforcement of**  
21 **registered support order.**

22    1. A nonregistering party seeking to contest the validity  
23 or enforcement of a registered support order in this state  
24 shall request a hearing within ~~twenty days after the date of~~  
25 ~~mailing or personal service of notice of the registration the~~  
26 time required by section 252K.605. The nonregistering party  
27 may seek to vacate the registration, to assert any defense to  
28 an allegation of noncompliance with the registered order, or to  
29 contest the remedies being sought or the amount of any alleged  
30 arrearages pursuant to section 252K.607.

31    2. If the nonregistering party fails to contest the validity  
32 or enforcement of the registered order in a timely manner, the  
33 order is confirmed by operation of law.

34    3. If a nonregistering party requests a hearing to contest  
35 the validity or enforcement of the registered support order,

1 the registering tribunal shall schedule the matter for hearing  
2 and give notice to the parties of the date, time, and place of  
3 the hearing.

4 Sec. 49. Section 252K.607, Code 2015, is amended to read as  
5 follows:

6 **252K.607 Contest of registration or enforcement.**

7 1. A party contesting the validity or enforcement of a  
8 registered support order or seeking to vacate the registration  
9 has the burden of proving one or more of the following  
10 defenses:

11 a. The issuing tribunal lacked personal jurisdiction over  
12 the contesting party.

13 b. The order was obtained by fraud.

14 c. The order has been vacated, suspended, or modified by a  
15 later order.

16 d. The issuing tribunal has stayed the order pending appeal.

17 e. There is a defense under the law of this state to the  
18 remedy sought.

19 f. Full or partial payment has been made.

20 g. The statute of limitation under section 252K.604  
21 precludes enforcement of some or all of the alleged arrearages.

22 h. The alleged controlling order is not the controlling  
23 order.

24 2. If a party presents evidence establishing a full or  
25 partial defense under subsection 1, a tribunal may stay  
26 enforcement of ~~the~~ a registered support order, continue  
27 the proceeding to permit production of additional relevant  
28 evidence, and issue other appropriate orders. An uncontested  
29 portion of the registered support order may be enforced by all  
30 remedies available under the law of this state.

31 3. If the contesting party does not establish a defense  
32 under subsection 1 to the validity or enforcement of ~~the~~ a  
33 registered support order, the registering tribunal shall issue  
34 an order confirming the order.

35 Sec. 50. Section 252K.608, Code 2015, is amended to read as

1 follows:

2 **252K.608 Confirmed order.**

3 Confirmation of a registered support order, whether by  
4 operation of law or after notice and hearing, precludes further  
5 contest of the order with respect to any matter that could have  
6 been asserted at the time of registration.

7 Sec. 51. Section 252K.609, Code 2015, is amended to read as  
8 follows:

9 **252K.609 Procedure to register child support order of another**  
10 **state for modification.**

11 A party or support enforcement agency seeking to modify, or  
12 to modify and enforce, a child support order issued in another  
13 state shall register that order in this state in the same  
14 manner provided in ~~part 1~~ sections 252K.601 through 252K.608 if  
15 the order has not been registered. A petition or comparable  
16 pleading for modification may be filed at the same time as a  
17 request for registration, or later. The pleading must specify  
18 the grounds for modification.

19 Sec. 52. Section 252K.610, Code 2015, is amended to read as  
20 follows:

21 **252K.610 Effect of registration for modification.**

22 A tribunal of this state may enforce a child support order  
23 of another state registered for purposes of modification, in  
24 the same manner as if the order had been issued by a tribunal of  
25 this state, but the registered support order may be modified  
26 only if the requirements of section 252K.611 or 252K.613 have  
27 been met.

28 Sec. 53. Section 252K.611, Code 2015, is amended to read as  
29 follows:

30 **252K.611 Modification of child support order of another**  
31 **state.**

32 1. ~~After~~ If section 252K.613 does not apply, upon petition  
33 or comparable pleading, a tribunal of this state may modify  
34 a child support order issued in another state ~~has been~~ which  
35 is registered in this state, ~~the responding tribunal of this~~

1 ~~state may modify that order only~~ if ~~section 252K.613 does not~~  
2 ~~apply and~~ after notice and hearing it the tribunal finds that  
3 paragraph "a" or "b" applies:

4 a. The following requirements are met:

5 (1) ~~The~~ Neither the child, nor the individual obligee who  
6 is an individual, and nor the obligor ~~do not reside~~ resides in  
7 the issuing state.

8 (2) A movant who is a nonresident of this state seeks  
9 modification.

10 (3) The respondent is subject to the personal jurisdiction  
11 of the tribunal of this state.

12 b. ~~The~~ This state is the state of residence of the child,  
13 or a party who is an individual, is subject to the personal  
14 jurisdiction of the tribunal of this state, and all of the  
15 parties who are individuals have filed ~~written~~ consents in a  
16 record in the issuing tribunal for a tribunal of this state  
17 to modify the support order and assume continuing, exclusive  
18 jurisdiction ~~over the order. However, if the issuing state~~  
19 ~~is a foreign jurisdiction that has not enacted a law or~~  
20 ~~established procedures substantially similar to the procedures~~  
21 ~~under this chapter, the consent otherwise required of an~~  
22 ~~individual residing in this state is not required for the~~  
23 ~~tribunal to assume jurisdiction to modify the child support~~  
24 ~~order.~~

25 2. Modification of a registered child support order is  
26 subject to the same requirements, procedures, and defenses that  
27 apply to the modification of an order issued by a tribunal of  
28 this state and the order may be enforced and satisfied in the  
29 same manner.

30 3. A tribunal of this state may not modify any aspect  
31 of a child support order that may not be modified under  
32 the law of the issuing state, including the duration of the  
33 obligation of support. If two or more tribunals have issued  
34 child support orders for the same obligor and same child, the  
35 order that controls and must be so recognized under section

1 252K.207 establishes the aspects of the support order which are  
2 nonmodifiable.

3 4. In a proceeding to modify a child support order, the  
4 law of the state that is determined to have issued the initial  
5 controlling order governs the duration of the obligation of  
6 support. The obligor's fulfillment of the duty of support  
7 established by that order precludes imposition of a further  
8 obligation of support by a tribunal of this state.

9 5. On the issuance of an order by a tribunal of this state  
10 modifying a child support order issued in another state, a the  
11 tribunal of this state becomes the tribunal having continuing,  
12 exclusive jurisdiction.

13 6. Notwithstanding subsections 1 through 5 and section  
14 252K.201, subsection 2, a tribunal of this state retains  
15 jurisdiction to modify an order issued by a tribunal of this  
16 state if both of the following apply:

17 a. One party resides in another state.

18 b. The other party resides outside the United States.

19 Sec. 54. Section 252K.612, Code 2015, is amended to read as  
20 follows:

21 **252K.612 Recognition of order modified in another state.**

22 ~~A tribunal of this state shall recognize~~ If a modification of  
23 ~~its earlier child support order issued by a tribunal of this~~  
24 ~~state is modified by a tribunal of another state which assumed~~  
25 ~~jurisdiction pursuant to this chapter or a law substantially~~  
26 ~~similar to this chapter and, upon request, except as otherwise~~  
27 ~~provided in this chapter, shall~~ a tribunal of this state:

28 1. ~~Enforce the~~ May enforce its order that was modified  
29 only as to amounts arrears and interest accruing before the  
30 modification.

31 2. ~~Enforce only nonmodifiable aspects of that order.~~

32 3. ~~Provide other~~ May provide appropriate relief only for  
33 violations of ~~the~~ its order which occurred before the effective  
34 date of the modification.

35 4. ~~3.~~ Recognize ~~Shall recognize~~ the modifying order of the

1 other state, upon registration, for the purpose of enforcement.

2 Sec. 55. NEW SECTION. **252K.615 Jurisdiction to modify child**  
3 **support order of foreign country.**

4 1. Except as otherwise provided in section 252K.711, if  
5 a foreign country lacks or refuses to exercise jurisdiction  
6 to modify its child support order pursuant to its laws, a  
7 tribunal of this state may assume jurisdiction to modify the  
8 child support order and bind all individuals subject to the  
9 personal jurisdiction of the tribunal whether the consent to  
10 modification of a child support order otherwise required of  
11 the individual pursuant to section 252K.611 has been given or  
12 whether the individual seeking modification is a resident of  
13 this state or of the foreign country.

14 2. An order issued by a tribunal of this state modifying  
15 a foreign child support order pursuant to this section is the  
16 controlling order.

17 Sec. 56. NEW SECTION. **252K.616 Procedures to register child**  
18 **support order of foreign country for modification.**

19 A party or support enforcement agency seeking to modify, or  
20 to modify and enforce, a foreign child support order not under  
21 the convention may register that order in this state under  
22 sections 252K.601 through 252K.608 if the order has not been  
23 registered. A petition or comparable pleading for modification  
24 may be filed at the same time as a request for registration,  
25 or at another time. The pleading must specify the grounds for  
26 modification.

27 Sec. 57. Section 252K.701, Code 2015, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 **252K.701 Definitions.**

30 In this article:

31 1. "*Application*" means a request under the convention by  
32 an obligee or obligor, or on behalf of a child, made through  
33 a central authority for assistance from another central  
34 authority.

35 2. "*Central authority*" means the entity designated by

1 the United States or a foreign country described in section  
2 252K.101, subsection 5, paragraph "d", to perform the functions  
3 specified in the convention.

4 3. "*Convention support order*" means a support order of a  
5 tribunal of a foreign country described in section 252K.101,  
6 subsection 5, paragraph "d".

7 4. "*Direct request*" means a petition for support filed  
8 by an individual in a tribunal of this state in a proceeding  
9 involving an obligee, obligor, or a child residing outside the  
10 United States.

11 5. "*Foreign central authority*" means the entity designated  
12 by a foreign country described in section 252K.101, subsection  
13 5, paragraph "d", to perform the functions specified in the  
14 convention.

15 6. "*Foreign support agreement*":

16 a. Means an agreement for support in a record that:

17 (1) Is enforceable as a support order in the country of  
18 origin.

19 (2) Has been formally drawn up or registered as an authentic  
20 instrument by a foreign tribunal or authenticated by, or  
21 concluded, registered, or filed with a foreign tribunal.

22 (3) May be reviewed and modified by a foreign tribunal.

23 b. "*Foreign support agreement*" includes a maintenance  
24 arrangement or authentic instrument under the convention.

25 7. "*United States central authority*" means the secretary of  
26 the United States department of health and human services.

27 Sec. 58. NEW SECTION. 252K.702 **Applicability.**

28 This article applies only to a support proceeding under  
29 the convention. In such a proceeding, if a provision of this  
30 article is inconsistent with Articles 1 through 6, this article  
31 controls.

32 Sec. 59. NEW SECTION. 252K.703 **Relationship of child**  
33 **support recovery unit to United States central authority.**

34 The child support recovery unit of this state is recognized  
35 as the agency designated by the United States central authority

1 to perform specific functions under the convention.

2 Sec. 60. NEW SECTION. 252K.704 Initiation by child support  
3 recovery unit of support proceeding under convention.

4 1. In a support proceeding under this article, the child  
5 support recovery unit of this state shall:

6 a. Transmit and receive applications.

7 b. Initiate or facilitate the institution of a proceeding  
8 regarding an application in a tribunal of this state.

9 2. The following support proceedings are available to an  
10 obligee under the convention:

11 a. Recognition or recognition and enforcement of a foreign  
12 support order.

13 b. Enforcement of a support order issued or recognized in  
14 this state.

15 c. Establishment of a support order if there is no existing  
16 order, including, if necessary, determination of parentage of a  
17 child.

18 d. Establishment of a support order if recognition of  
19 a foreign support order is refused under section 252K.708,  
20 subsection 2, paragraph "b", "d", or "i".

21 e. Modification of a support order of a tribunal of this  
22 state.

23 f. Modification of a support order of a tribunal of another  
24 state or a foreign country.

25 3. The following support proceedings are available under  
26 the convention to an obligor against which there is an existing  
27 support order:

28 a. Recognition of an order suspending or limiting  
29 enforcement of an existing support order of a tribunal of this  
30 state.

31 b. Modification of a support order of a tribunal of this  
32 state.

33 c. Modification of a support order of a tribunal of another  
34 state or a foreign country.

35 4. A tribunal of this state may not require security, bond,

1 or deposit, however described, to guarantee the payment of  
2 costs and expenses in proceedings under the convention.

3 Sec. 61. NEW SECTION. **252K.705 Direct request.**

4 1. A petitioner may file a direct request seeking  
5 establishment or modification of a support order or  
6 determination of parentage of a child. In the proceeding, the  
7 law of this state applies.

8 2. A petitioner may file a direct request seeking  
9 recognition and enforcement of a support order or support  
10 agreement. In the proceeding, sections 252K.706 through  
11 252K.713 apply.

12 3. In a direct request for recognition and enforcement of a  
13 convention support order or foreign support agreement:

14 a. A security, bond, or deposit is not required to guarantee  
15 the payment of costs and expenses.

16 b. An obligee or obligor that in the issuing country  
17 has benefited from free legal assistance is entitled to  
18 benefit, at least to the same extent, from any free legal  
19 assistance provided for by the law of this state under the same  
20 circumstances.

21 4. A petitioner filing a direct request is not entitled to  
22 assistance from the child support recovery unit.

23 5. This article does not prevent the application of laws  
24 of this state that provide simplified, more expeditious rules  
25 regarding a direct request for recognition and enforcement of a  
26 foreign support order or foreign support agreement.

27 Sec. 62. NEW SECTION. **252K.706 Registration of convention**  
28 **support order.**

29 1. Except as otherwise provided in this article, a party  
30 who is an individual or a support enforcement agency seeking  
31 recognition of a convention support order shall register the  
32 order in this state as provided in Article 6.

33 2. Notwithstanding section 252K.311 and section 252K.602,  
34 subsection 1, a request for registration of a convention  
35 support order must be accompanied by:

- 1     *a.* A complete text of the support order.
- 2     *b.* A record stating that the support order is enforceable  
3 in the issuing country.
- 4     *c.* If the respondent did not appear and was not represented  
5 in the proceedings in the issuing country, a record attesting,  
6 as appropriate, either that the respondent had proper notice  
7 of the proceedings and an opportunity to be heard or that  
8 the respondent had proper notice of the support order and an  
9 opportunity to be heard in a challenge or appeal on fact or law  
10 before a tribunal.
- 11    *d.* A record showing the amount of arrears, if any, and the  
12 date the amount was calculated.
- 13    *e.* A record showing a requirement for automatic adjustment  
14 of the amount of support, if any, and the information necessary  
15 to make the appropriate calculations.
- 16    *f.* If necessary, a record showing the extent to which  
17 the applicant received free legal assistance in the issuing  
18 country.
- 19    3. A request for registration of a convention support order  
20 may seek recognition and partial enforcement of the order.
- 21    4. A tribunal of this state may vacate the registration  
22 of a convention support order without the filing of a contest  
23 under section 252K.707 only if, acting on its own motion, the  
24 tribunal finds that recognition and enforcement of the order  
25 would be manifestly incompatible with public policy.
- 26    5. The tribunal shall promptly notify the parties of the  
27 registration or the order vacating the registration of a  
28 convention support order.
- 29    **Sec. 63. NEW SECTION. 252K.707 Contest of registered**  
30 **convention support order.**
- 31    1. Except as otherwise provided in this article, sections  
32 252K.605 through 252K.608 apply to a contest of a registered  
33 convention support order.
- 34    2. A party contesting a registered convention support order  
35 shall file a contest not later than thirty days after notice of

1 the registration, but if the contesting party does not reside  
2 in the United States, the contest must be filed not later than  
3 sixty days after notice of the registration.

4 3. If the nonregistering party fails to contest the  
5 registered convention support order by the time specified in  
6 subsection 2, the order is enforceable.

7 4. A contest of a registered convention support order may  
8 be based only on grounds set forth in section 252K.708. The  
9 contesting party bears the burden of proof.

10 5. In a contest of a registered convention support order, a  
11 tribunal of this state:

12 a. Is bound by the findings of fact on which the foreign  
13 tribunal based its jurisdiction.

14 b. May not review the merits of the order.

15 6. A tribunal of this state deciding a contest of a  
16 registered convention support order shall promptly notify the  
17 parties of its decision.

18 7. A challenge or appeal, if any, does not stay the  
19 enforcement of a convention support order unless there are  
20 exceptional circumstances.

21 **Sec. 64. NEW SECTION. 252K.708 Recognition and enforcement**  
22 **of registered convention support order.**

23 1. Except as otherwise provided in subsection 2, a tribunal  
24 of this state shall recognize and enforce a registered  
25 convention support order.

26 2. The following grounds are the only grounds on which a  
27 tribunal of this state may refuse recognition and enforcement  
28 of a registered convention support order:

29 a. Recognition and enforcement of the order is manifestly  
30 incompatible with public policy, including the failure of the  
31 issuing tribunal to observe minimum standards of due process,  
32 which include notice and an opportunity to be heard.

33 b. The issuing tribunal lacked personal jurisdiction  
34 consistent with section 252K.201.

35 c. The order is not enforceable in the issuing country.

1     *d.* The order was obtained by fraud in connection with a  
2 matter of procedure.

3     *e.* A record transmitted in accordance with section 252K.706  
4 lacks authenticity or integrity.

5     *f.* A proceeding between the same parties and having the same  
6 purpose is pending before a tribunal of this state and that  
7 proceeding was the first to be filed.

8     *g.* The order is incompatible with a more recent support  
9 order involving the same parties and having the same purpose if  
10 the more recent support order is entitled to recognition and  
11 enforcement under this chapter in this state.

12    *h.* Payment, to the extent alleged arrears have been paid in  
13 whole or in part.

14    *i.* In a case in which the respondent neither appeared  
15 nor was represented in the proceeding in the issuing foreign  
16 country, any of the following is applicable:

17       (1) If the law of that country provides for prior notice of  
18 proceedings, the respondent did not have proper notice of the  
19 proceedings and an opportunity to be heard.

20       (2) If the law of that country does not provide for  
21 prior notice of the proceedings, the respondent did not have  
22 proper notice of the order and an opportunity to be heard in a  
23 challenge or appeal on fact or law before a tribunal.

24    *j.* The order was made in violation of section 252K.711.

25     3. If a tribunal of this state does not recognize a  
26 convention support order under subsection 2, paragraph "b", "d",  
27 or "i":

28       *a.* The tribunal may not dismiss the proceeding without  
29 allowing a reasonable time for a party to request the  
30 establishment of a new convention support order.

31       *b.* The child support recovery unit shall take all  
32 appropriate measures to request a child support order for the  
33 obligee if the application for recognition and enforcement was  
34 received under section 252K.704.

35     Sec. 65. NEW SECTION. 252K.709 Partial enforcement.

1 If a tribunal of this state does not recognize and enforce a  
2 convention support order in its entirety, it shall enforce any  
3 severable part of the order. An application or direct request  
4 may seek recognition and partial enforcement of a convention  
5 support order.

6 Sec. 66. NEW SECTION. **252K.710 Foreign support agreement.**

7 1. Except as otherwise provided in subsections 3 and 4, a  
8 tribunal of this state shall recognize and enforce a foreign  
9 support agreement registered in this state.

10 2. An application or direct request for recognition and  
11 enforcement of a foreign support agreement must be accompanied  
12 by:

13 a. A complete text of the foreign support agreement.

14 b. A record stating that the foreign support agreement is  
15 enforceable as an order of support in the issuing country.

16 3. A tribunal of this state may vacate the registration of  
17 a foreign support agreement only if, acting on its own motion,  
18 the tribunal finds that recognition and enforcement would be  
19 manifestly incompatible with public policy.

20 4. In a contest of a foreign support agreement, a tribunal  
21 of this state may refuse recognition and enforcement of the  
22 agreement if it finds any of the following:

23 a. Recognition and enforcement of the agreement is  
24 manifestly incompatible with public policy.

25 b. The agreement was obtained by fraud or falsification.

26 c. The agreement is incompatible with a support order  
27 involving the same parties and having the same purpose in this  
28 state, another state, or a foreign country if the support order  
29 is entitled to recognition and enforcement under this chapter  
30 in this state.

31 d. The record submitted under subsection 2 lacks  
32 authenticity or integrity.

33 5. A proceeding for recognition and enforcement of a foreign  
34 support agreement must be suspended during the pendency of a  
35 challenge to or appeal of the agreement before a tribunal of

1 another state or a foreign country.

2 Sec. 67. NEW SECTION. 252K.711 **Modification of convention**  
3 **child support order.**

4 1. A tribunal of this state may not modify a convention  
5 child support order if the obligee remains a resident of the  
6 foreign country where the support order was issued unless any  
7 of the following applies:

8 a. The obligee submits to the jurisdiction of a tribunal  
9 of this state, either expressly or by defending on the merits  
10 of the case without objecting to the jurisdiction at the first  
11 available opportunity.

12 b. The foreign tribunal lacks or refuses to exercise  
13 jurisdiction to modify its support order or issue a new support  
14 order.

15 2. If a tribunal of this state does not modify a convention  
16 child support order because the order is not recognized in this  
17 state, section 252K.708, subsection 3, applies.

18 Sec. 68. NEW SECTION. 252K.712 **Personal information —**  
19 **limit on use.**

20 Personal information gathered or transmitted under this  
21 article may be used only for the purposes for which it was  
22 gathered or transmitted.

23 Sec. 69. NEW SECTION. 252K.713 **Record in original language**  
24 **— English translation.**

25 A record filed with a tribunal of this state under this  
26 article must be in the original language and, if not in  
27 English, must be accompanied by an English translation.

28 Sec. 70. Section 252K.801, subsection 2, paragraph b, Code  
29 2015, is amended to read as follows:

30 b. On the demand ~~by~~ of the governor of another state,  
31 surrender an individual found in this state who is charged  
32 criminally in the other state with having failed to provide for  
33 the support of an obligee.

34 Sec. 71. Section 252K.802, subsections 1 and 2, Code 2015,  
35 are amended to read as follows:

1 1. Before making a demand that the governor of another state  
2 surrender an individual charged criminally in this state with  
3 having failed to provide for the support of an obligee, the  
4 governor of this state may require a prosecutor of this state  
5 to demonstrate that at least sixty days previously the obligee  
6 had initiated proceedings for support pursuant to this chapter  
7 or that the proceeding would be of no avail.

8 2. If, under this chapter, or a law substantially similar  
9 to this chapter, ~~the Uniform Reciprocal Enforcement of~~  
10 ~~Support Act, or the Revised Uniform Reciprocal Enforcement of~~  
11 ~~Support Act,~~ the governor of another state makes a demand that  
12 the governor of this state surrender an individual charged  
13 criminally in that state with having failed to provide for  
14 the support of a child or other individual to whom a duty  
15 of support is owed, the governor may require a prosecutor  
16 to investigate the demand and report whether a proceeding  
17 for support has been initiated or would be effective. If it  
18 appears that a proceeding would be effective but has not been  
19 initiated, the governor may delay honoring the demand for a  
20 reasonable time to permit the initiation of a proceeding.

21 Sec. 72. Section 252K.901, Code 2015, is amended to read as  
22 follows:

23 **252K.901 Uniformity of application and construction.**

24 ~~This chapter shall be applied and construed~~ In applying  
25 and construing this uniform Act, consideration must be given  
26 to the need to effectuate its general purpose to make uniform  
27 promote uniformity of the law with respect to the subject of  
28 ~~this chapter~~ matter among states enacting that enact it.

29 Sec. 73. Section 252K.903, Code 2015, is amended to read as  
30 follows:

31 **252K.903 Severability clause.**

32 If any provision of this chapter or its application to any  
33 person or circumstance is held invalid, the invalidity does  
34 not affect other provisions or application of this chapter  
35 which can be given effect without the invalid provision or

1 application, and to this end the provisions of this chapter are  
2 severable.

3 Sec. 74. Section 252K.904, Code 2015, is amended to read as  
4 follows:

5 **252K.904 Effective date — pending matters.**

6 1. This chapter takes effect ~~January 1, 1998~~ July 1, 2015.

7 2. A tribunal of this state shall apply this chapter  
8 beginning ~~January 1, 1998~~ July 1, 2015, with the following  
9 conditions:

10 a. Matters pending on ~~January 1, 1998~~ July 1, 2015, shall be  
11 governed by this chapter.

12 b. Pleadings and accompanying documents on pending matters  
13 are sufficient if the documents substantially comply with the  
14 requirements of this chapter 252A in effect on ~~December 31,~~  
15 1997 June 30, 2015.

16 Sec. 75. REPEAL. Section 252K.902, Code 2015, is repealed.

17 Sec. 76. CODE EDITOR DIRECTIVES. The Code editor shall do  
18 all of the following:

19 1. Eliminate the part designations and titles under Article  
20 2 of chapter 252K.

21 2. Retitle Article 4 of chapter 252K "Establishment of  
22 support order or determination of parentage".

23 3. Retitle Article 5 of chapter 252K "Enforcement of support  
24 order without registration".

25 4. Retitle Article 6 of chapter 252K "Registration,  
26 enforcement, and modification of support order".

27 5. Retitle Article 6, part 1, of chapter 252K "Registration  
28 for enforcement of support order".

29 6. Retitle Article 6, part 3, of chapter 252K "Registration  
30 and modification of child support order of another state".

31 7. Create a new part 4 of Article 6 of chapter 252K,  
32 entitled "Registration and modification of foreign child  
33 support order" which shall include sections 252K.615 and  
34 252K.616, as enacted in this Act.

35 8. Retitle Article 7 of chapter 252K "Support proceeding

1 under convention", which shall include sections 252K.701,  
2 252K.702, 252K.703, 252K.704, 252K.705, 252K.706, 252K.707,  
3 252K.708, 252K.709, 252K.710, 252K.711, 252K.712, and 252K.713,  
4 as amended and enacted in this Act.

5

DIVISION II

6 CONFORMING CHANGES — UNIFORM INTERSTATE FAMILY SUPPORT ACT

7 Sec. 77. Section 252A.2, subsection 10, Code 2015, is  
8 amended by striking the subsection.

9 Sec. 78. Section 252A.3, subsection 9, Code 2015, is amended  
10 to read as follows:

11 9. Notwithstanding the fact that the respondent has  
12 obtained in any state or foreign country a final decree of  
13 divorce or separation from the respondent's spouse or a decree  
14 dissolving the marriage, the respondent shall be deemed legally  
15 liable for the support of any dependent child of such marriage.

16 Sec. 79. Section 252A.3, subsection 10, paragraph d, Code  
17 2015, is amended to read as follows:

18 *d.* By establishment of paternity in a another state or  
19 foreign jurisdiction country in any manner provided for by the  
20 laws of that jurisdiction.

21 Sec. 80. Section 252A.6A, subsection 2, paragraph b, Code  
22 2015, is amended to read as follows:

23 *b.* If the prior determination of paternity is based on  
24 an administrative or court order or by any other means,  
25 pursuant to the laws of a another state or foreign jurisdiction  
26 country, an action to overcome the prior determination of  
27 paternity shall be filed in that jurisdiction. Unless the  
28 party requests and is granted a stay of an action to establish  
29 child or medical support, the action shall proceed as otherwise  
30 provided.

31 Sec. 81. Section 252A.18, Code 2015, is amended to read as  
32 follows:

33 **252A.18 Registration of ~~foreign~~ support order — notice.**

34 Registration of a support order of another state or foreign  
35 support order country shall be in accordance with chapter

1 252K except that, with regard to service, promptly upon  
2 registration, the clerk of the court shall ~~send a notice~~, by  
3 restricted certified mail, or the child support recovery unit  
4 shall, as provided in section 252B.26, send to the respondent,  
5 notice of the registration with a copy of the registered  
6 support order or the respondent may be personally served with  
7 the notice and the copy of the order in the same manner as  
8 original notices are personally served. The clerk shall also  
9 docket the case and notify the prosecuting attorney of the  
10 action. The clerk shall maintain a registry of all support  
11 orders registered pursuant to this section. The filing is in  
12 equity.

13 Sec. 82. Section 252B.1, subsection 6, Code 2015, is amended  
14 to read as follows:

15 6. "*Obligor*" means the person legally responsible for the  
16 support of a child as defined in section 252D.16 or 598.1 under  
17 a support order issued in this state or a pursuant to the laws  
18 of another state or foreign jurisdiction country.

19 Sec. 83. Section 252B.3, subsection 4, paragraph b, Code  
20 2015, is amended to read as follows:

21 b. This subsection shall not apply unless all the children  
22 for whom support is ordered reside with both parents, except  
23 that a child may be absent from the home due to a foster care  
24 placement pursuant to chapter 234 or a comparable law of a  
25 another state or foreign jurisdiction country.

26 Sec. 84. Section 252B.4, subsection 5, paragraph b, Code  
27 2015, is amended to read as follows:

28 b. A foreign ~~reciprocating country or foreign country with~~  
29 ~~which the state has an arrangement as provided in 42 U.S.C.~~  
30 ~~§659a~~ as defined in chapter 252K.

31 Sec. 85. Section 252B.9, subsection 3, paragraph i,  
32 subparagraphs (4) and (7), Code 2015, are amended to read as  
33 follows:

34 (4) The unit receives ~~notification that a copy, regular on~~  
35 its face, of a notarized affidavit or a pleading, which was

1 signed by and made under oath by a party, under chapter 252K,  
2 the uniform interstate family support Act, or the comparable  
3 law of another state, alleging the health, safety, or liberty  
4 of the party or child would be jeopardized by the disclosure of  
5 specific identifying information unless a tribunal has issued  
6 an order under chapter 252K, the uniform interstate family  
7 support Act, or the comparable law of another state, that the  
8 address or other ordered the identifying information of a party  
9 or child ~~not~~ be disclosed.

10 (7) The unit receives notification, as the result of a  
11 request under section 252B.9A, of the existence of any finding,  
12 order, affidavit, pleading, safety plan, or founded allegation  
13 referred to in subparagraphs (1) through (6) of this paragraph.

14 Sec. 86. Section 252B.14, Code 2015, is amended to read as  
15 follows:

16 **252B.14 Support payments — collection services center or**  
17 **comparable government entity in another state — clerk of the**  
18 **district court.**

19 1. For the purposes of this section, "*support order*"  
20 includes any order entered pursuant to chapter 234, 252A, 252C,  
21 598, 600B, or any other support chapter or proceeding which  
22 establishes support payments as defined in section 252D.16 or  
23 598.1.

24 2. For support orders being enforced by the child support  
25 recovery unit, support payments made pursuant to the order  
26 shall be directed to and disbursed by the collection services  
27 center or, as appropriate, a comparable government entity in  
28 another state as provided in chapter 252K.

29 3. With the exception of support payments to which  
30 subsection 2 or 4 applies, support payments made pursuant to  
31 an order shall be directed to and disbursed by the clerk of the  
32 district court in the county in which the order for support is  
33 filed. The clerk of the district court may require the obligor  
34 to submit payments by bank draft or money order if the obligor  
35 submits an insufficient funds support payment to the clerk of

1 the district court.

2 4. ~~By October 1, 1999, for~~ For a support order to which  
3 subsection 2 does not apply, regardless of the terms of the  
4 support order directing or redirecting the place of payment,  
5 support payments made through income withholding by a payor of  
6 income as provided in chapter 252D shall be directed to and  
7 disbursed by the collection services center or, as appropriate,  
8 a comparable government entity in another state as provided in  
9 chapter 252K. The judicial branch and the department shall  
10 develop and implement a plan to notify payors of income of  
11 this requirement and the effective date of the requirement  
12 applicable to the respective payor of income.

13 5. If the collection services center is receiving and  
14 disbursing payments pursuant to a support order, but the unit  
15 is not providing other services under Tit. IV-D of the federal  
16 Social Security Act, or if the order is not being enforced by  
17 the unit, the parties to that order are not considered to be  
18 receiving services under this chapter.

19 6. Payments to persons other than the clerk of the district  
20 court or the collection services center or, as appropriate, a  
21 comparable government entity in another state as provided in  
22 chapter 252K, do not satisfy the support obligations created by  
23 a support order or judgment, except as provided for in sections  
24 598.22 and 598.22A.

25 Sec. 87. Section 252B.15, Code 2015, is amended to read as  
26 follows:

27 **252B.15 Processing and disbursement of support payments.**

28 1. The collection services center shall notify the clerk  
29 of the district court of any order for which the child support  
30 recovery unit is providing enforcement services. The clerk  
31 of the district court shall forward any support payment  
32 made pursuant to the order, along with any support payment  
33 information, to the collection services center. Unless the  
34 agreement developed pursuant to section 252B.13A otherwise  
35 provides, ~~by October 1, 1999,~~ the clerk of the district court

1 shall forward any support payment made and any support payment  
2 information provided through income withholding pursuant  
3 to chapter 252D, to the collection services center. The  
4 collection services center shall process and disburse the  
5 payment in accordance with federal requirements.

6 2. Unless otherwise provided under federal law, if it is  
7 possible to identify the support order to which a payment is  
8 to be applied and if sufficient information is provided to  
9 identify the obligee, a payment received by the collection  
10 services center or the clerk of the district court shall be  
11 disbursed to the appropriate individual or office within two  
12 working days in accordance with section 598.22.

13 3. If the collection services center receives an  
14 incorrectly submitted payment, the collection services center  
15 shall promptly return the payment to the sender and, if known,  
16 provide information about where to send the payment.

17 4. Chapter 556 shall not apply to payments received by the  
18 collection services center.

19 Sec. 88. Section 252B.16, Code 2015, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 4. As provided in sections 252K.307 and  
22 252K.319, the unit may issue and file with the clerk of the  
23 district court, a notice redirecting support payments to a  
24 comparable government entity responsible for the processing  
25 and disbursement of support payments in another state. The  
26 unit shall send a copy of the notice by regular mail to the  
27 last known addresses of the obligor and obligee and, where  
28 applicable, shall notify the payor of income to make payments  
29 as specified in the notice. The issuance and filing of the  
30 notice is the equivalent of a court order redirecting support.

31 Sec. 89. Section 252C.1, subsection 3, Code 2015, is amended  
32 to read as follows:

33 3. "*Court order*" means a judgment or order ~~of a court of~~  
34 ~~this state or another state~~ requiring the payment of a set or  
35 determinable amount of monetary support. For orders entered

1 on or after July 1, 1990, unless the court specifically orders  
2 otherwise, medical support, as defined in section 252E.1, is  
3 not included in the amount of monetary support.

4 Sec. 90. Section 252C.4, subsection 1, paragraph c, Code  
5 2015, is amended to read as follows:

6 c. If the action is the result of a request from a another  
7 state or foreign jurisdiction country to establish support by a  
8 responsible person located in Iowa, in the county in which the  
9 responsible person resides.

10 Sec. 91. Section 252C.4, subsection 7, paragraph b, Code  
11 2015, is amended to read as follows:

12 b. If the prior determination of paternity is based on an  
13 administrative or court order or other means, pursuant to the  
14 laws of a another state or foreign jurisdiction country, an  
15 action to overcome the prior determination of paternity shall  
16 be filed in that jurisdiction. Unless the responsible person  
17 requests and is granted a stay of an action initiated under  
18 this chapter to establish child or medical support, the action  
19 shall proceed as otherwise provided by this chapter.

20 Sec. 92. Section 252D.1, Code 2015, is amended to read as  
21 follows:

22 **252D.1 Delinquent support payments.**

23 If support payments ordered under this chapter or chapter  
24 232, 234, 252A, 252C, 252E, 252F, 598, 600B, or any other  
25 applicable chapter, or under a comparable statute of a another  
26 state or foreign jurisdiction country, as certified to the  
27 child support recovery unit established in section 252B.2, are  
28 not paid to the clerk of the district court or the collection  
29 services center pursuant to section 598.22 or, as appropriate,  
30 a comparable government entity in another state as provided  
31 in chapter 252K, and become delinquent in an amount equal to  
32 the payment for one month, the child support recovery unit  
33 may enter an ex parte order or, upon application of a person  
34 entitled to receive the support payments, the district court  
35 may enter an ex parte order, notifying the person whose

1 income is to be withheld, of the delinquent amount, of the  
2 amount of income to be withheld, and of the procedure to  
3 file a motion to quash the order for income withholding, and  
4 ordering the withholding of specified sums to be deducted  
5 from the delinquent person's income as defined in section  
6 252D.16 sufficient to pay the support obligation and, except as  
7 provided in section 598.22, requiring the payment of such sums  
8 to the clerk of the district court or the collection services  
9 center or, as appropriate, a comparable government entity in  
10 another state as provided in chapter 252K. ~~Beginning October~~  
11 ~~1, 1999, all~~ All income withholding payments shall be paid to  
12 the collection services center or, as appropriate, a comparable  
13 government entity in another state as provided in chapter 252K.  
14 Notification of income withholding shall be provided to the  
15 obligor and to the payor of income pursuant to section 252D.17.

16 Sec. 93. Section 252D.16, subsection 3, Code 2015, is  
17 amended to read as follows:

18 3. "*Support*" or "*support payments*" means any amount which  
19 the court or administrative agency may require a person to pay  
20 for the benefit of a child under a temporary order or a final  
21 judgment or decree entered under chapter 232, 234, 252A, 252C,  
22 252F, 252H, 598, 600B, or any other comparable chapter, and may  
23 include child support, maintenance, medical support as defined  
24 in chapter 252E, spousal support, and any other term used to  
25 describe these obligations. These obligations may include  
26 support for a child of any age who is dependent on the parties  
27 to the dissolution proceedings because of physical or mental  
28 disability. The obligations may include support for a child  
29 eighteen or more years of age with respect to whom a child  
30 support order has been issued pursuant to the laws of a another  
31 state or foreign jurisdiction country. These obligations shall  
32 not include amounts for a postsecondary education subsidy as  
33 defined in section 598.1.

34 Sec. 94. Section 252D.16A, Code 2015, is amended to read as  
35 follows:

1     **252D.16A Income withholding order — child support recovery**  
2 **unit.**

3     If support payments are ordered under this chapter, chapter  
4 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or any  
5 other applicable chapter, or under a comparable statute of a  
6 another state or foreign jurisdiction country, and if income  
7 withholding relative to such support payments is allowed under  
8 this chapter, the child support recovery unit may enter an  
9 ex parte order notifying the person whose income is to be  
10 withheld of the procedure to file a motion to quash the order  
11 for income withholding, and ordering the withholding of sums to  
12 be deducted from the delinquent person's income as defined in  
13 section 252D.16 sufficient to pay the support obligation and  
14 requiring the payment of such sums to the collection services  
15 center or, as appropriate, a comparable government entity in  
16 another state as provided in chapter 252K. The child support  
17 recovery unit shall include the amount of any delinquency and  
18 the amount to be withheld in the notice provided to the obligor  
19 pursuant to section 252D.17A. Notice of income withholding  
20 shall be provided to the obligor and to the payor of income  
21 pursuant to sections 252D.17 and 252D.17A.

22     Sec. 95. Section 252D.17, subsection 1, paragraphs e, f, and  
23 h, Code 2015, are amended to read as follows:

24     e. The payor shall send the amounts withheld to the  
25 collection services center or the clerk of the district court  
26 pursuant to section 252B.14 or, as appropriate, a comparable  
27 government entity in another state as provided in chapter 252K,  
28 within seven business days of the date the obligor is paid.  
29 "*Business day*" means a day on which state offices are open for  
30 regular business.

31     f. The payor may combine amounts withheld from the obligors'  
32 income in a single payment to the clerk of the district court  
33 or to the collection services center or a comparable government  
34 entity in another state as provided in chapter 252K, as  
35 appropriate. Whether combined or separate, payments shall be

1 identified by the name of the obligor, account number, amount,  
2 and the date withheld. If payments for multiple obligors are  
3 combined, the portion of the payment attributable to each  
4 obligor shall be specifically identified.

5     *h.* If the payor, with actual knowledge and intent to avoid  
6 legal obligation, fails to withhold income or to pay the  
7 amounts withheld to the collection services center or the clerk  
8 of court or, as appropriate, a comparable government entity  
9 in another state as provided in chapter 252K in accordance  
10 with the provisions of the order, the notice of the order, or  
11 the notification of payors of income provisions established  
12 in section 252B.13A, the payor commits a simple misdemeanor  
13 for a first offense and is liable for the accumulated amount  
14 which should have been withheld, together with costs, interest,  
15 and reasonable attorney fees related to the collection of  
16 the amounts due from the payor. For each subsequent offense  
17 prescribed under this paragraph, the payor commits a serious  
18 misdemeanor and is liable for the accumulated amount which  
19 should have been withheld, together with costs, interest, and  
20 reasonable attorney fees related to the collection of the  
21 amounts due from the payor.

22     Sec. 96. Section 252D.18, subsection 3, Code 2015, is  
23 amended to read as follows:

24     3. The court or the child support recovery unit may,  
25 by ex parte order, terminate an income withholding order  
26 when the current support obligation has terminated and when  
27 the delinquent support obligation has been fully satisfied  
28 as applicable to all of the children covered by the income  
29 withholding order. The unit may, by ex parte order, terminate  
30 an income withholding order when the unit will no longer be  
31 providing services under chapter 252B, or when a another state  
32 or foreign jurisdiction country will be providing services  
33 under Tit. IV-D of the federal Social Security Act or a  
34 comparable law in a foreign country.

35     Sec. 97. Section 252D.20, Code 2015, is amended to read as

1 follows:

2 **252D.20 Administration of income withholding procedures.**

3 The child support recovery unit is designated as the entity  
4 of the state to administer income withholding in accordance  
5 with the procedures specified for keeping adequate records to  
6 document, track, and monitor support payments on cases subject  
7 to Tit. IV-D of the federal Social Security Act. ~~Until October~~  
8 ~~1, 1999, the clerks of the district court are designated as~~  
9 ~~the entities for administering income withholding on cases~~  
10 ~~which are not subject to Tit. IV-D. Beginning October 1,~~  
11 ~~1999, the~~ The collection services center is designated as  
12 the entity for administering income withholding for cases  
13 which are not subject to Tit. IV-D. The collection services  
14 center's responsibilities for administering income withholding  
15 in cases not subject to Tit. IV-D are limited to the receipt,  
16 recording, and disbursement of income withholding payments  
17 and to responding to requests for information on the current  
18 status of support payments pursuant to section 252B.13A.  
19 Notwithstanding section 622.53, in cases where the court or the  
20 child support recovery unit is enforcing a an order of another  
21 state or foreign judgment country through income withholding, a  
22 certified copy of the underlying judgment is sufficient proof  
23 of authenticity.

24 Sec. 98. Section 252D.24, Code 2015, is amended to read as  
25 follows:

26 **252D.24 Applicability to support orders of foreign other**  
27 **jurisdictions.**

28 1. An income withholding order may be entered to enforce  
29 a support order of a another state or foreign jurisdiction  
30 country. ~~The foreign~~ That support order may be entered and  
31 filed with the clerk of the district court at the time the  
32 income withholding order is entered. Entry of the ~~foreign~~  
33 support order of another state or foreign country under this  
34 subsection does not constitute registration of the order.

35 2. Income withholding for a support order issued by a

1 another state or foreign jurisdiction country is governed by  
2 chapter 252K, ~~article 5 or 6~~, and this chapter, as appropriate.

3 Sec. 99. Section 252D.31, subsection 3, Code 2015, is  
4 amended to read as follows:

5 3. The payor shall withhold and transmit the amount  
6 specified in the order or notice of the order of income  
7 withholding to the clerk of the district court or the  
8 collection services center or a comparable government entity  
9 in another state as provided in chapter 252K, as appropriate,  
10 until the notice that a motion to quash has been granted is  
11 received.

12 Sec. 100. Section 252E.1, subsections 3 and 13, Code 2015,  
13 are amended to read as follows:

14 3. "*Child*" means a person for whom child or medical support  
15 may be ordered pursuant to chapter 234, 239B, 252A, 252C, 252F,  
16 252H, 252K, 598, 600B, or any other chapter of the Code or  
17 pursuant to a comparable statute of a another state or foreign  
18 jurisdiction country.

19 13. "*Order*" means a support order entered pursuant to  
20 chapter 234, 252A, 252C, 252F, 252H, 252K, 598, 600B, or any  
21 other support chapter, or pursuant to a comparable statute of a  
22 another state or foreign jurisdiction country, or an ex parte  
23 order entered pursuant to section 252E.4. "*Order*" also includes  
24 a notice of such an order issued by the department.

25 Sec. 101. Section 252E.2, subsection 4, Code 2015, is  
26 amended to read as follows:

27 4. A medical support order of a another state or foreign  
28 jurisdiction country may be entered or filed with the clerk of  
29 the district court. However, entry of such a medical support  
30 order under this subsection does not constitute registration  
31 of that medical support order.

32 Sec. 102. Section 252F.3, subsection 3, paragraph a,  
33 subparagraph (3), Code 2015, is amended to read as follows:

34 (3) If the action is the result of a request from a another  
35 state or foreign jurisdiction country to establish paternity of

1 a putative father located in Iowa, in the county in which the  
2 putative father resides.

3 Sec. 103. Section 252F.3, subsection 6, paragraph f, Code  
4 2015, is amended to read as follows:

5 *f.* An original copy of the test results shall be filed  
6 with the clerk of the district court in the county where the  
7 notice was filed. The child support recovery unit shall issue  
8 a copy of the filed test results to each party in person,  
9 or by regular mail to the last known address of each, or if  
10 applicable, to the last known address of the attorney for  
11 each. However, if the action is the result of a request from a  
12 another state or foreign jurisdiction country, the unit shall  
13 issue a copy of the results to the initiating agency in that  
14 ~~foreign~~ jurisdiction.

15 Sec. 104. Section 252H.2, subsection 2, paragraphs g, l, and  
16 m, Code 2015, are amended to read as follows:

17 *g.* "*Determination of controlling order*" means the process  
18 of identifying a child support order which must be recognized  
19 pursuant to section 252K.207 and 28 U.S.C. §1738B, when  
20 more than one state has issued a support order for the same  
21 child and the same obligor, and may include a reconciliation  
22 of arrearages with information related to the calculation.  
23 Registration of a ~~foreign~~ an order of another state or foreign  
24 country is not necessary for a court or the unit to make a  
25 determination of controlling order.

26 *l.* "*State*" means "*state*" as defined in ~~section 252K.101~~  
27 chapter 252K.

28 *m.* "*Support order*" means an order for support issued  
29 pursuant to chapter 232, 234, 252A, 252C, 252E, 252F, 252H,  
30 598, 600B, or any other applicable chapter, or under a  
31 comparable statute of a another state or foreign jurisdiction  
32 country as registered with the clerk of court or certified to  
33 the child support recovery unit.

34 Sec. 105. Section 252H.8, subsection 5, paragraph h, Code  
35 2015, is amended to read as follows:

1     *h.* A certified copy of each order, issued by another state  
2 or foreign country, considered in determining the controlling  
3 order.

4     Sec. 106. Section 252H.14, subsection 2, Code 2015, is  
5 amended to read as follows:

6     2. The unit may periodically initiate a request to a child  
7 support agency of another state or to a foreign country to  
8 conduct a review of a support order ~~entered in that state~~ when  
9 the right to any ongoing child or medical support obligation  
10 due under the order is currently assigned to the state of  
11 Iowa or if the order does not include provisions for medical  
12 support.

13     Sec. 107. Section 252I.2, subsection 2, Code 2015, is  
14 amended to read as follows:

15     2. An obligor is subject to the provisions of this chapter  
16 if the obligor's support obligation is being enforced by the  
17 child support recovery unit, and if the support payments  
18 ordered under chapter 232, 234, 252A, 252C, 252D, 252E,  
19 252F, 598, 600B, or any other applicable chapter, or under a  
20 comparable statute of a another state or foreign jurisdiction  
21 country, as certified to the child support recovery unit, are  
22 not paid to the clerk of the district court or the collection  
23 services center pursuant to section 598.22 and become  
24 delinquent in an amount equal to the support payment for one  
25 month.

26     Sec. 108. Section 252J.1, subsection 9, Code 2015, is  
27 amended to read as follows:

28     9. "*Support order*" means an order for support issued  
29 pursuant to chapter 232, 234, 252A, 252C, 252D, 252E, 252F,  
30 252H, 598, 600B, or any other applicable chapter, or under a  
31 comparable statute of a another state or foreign jurisdiction  
32 country as registered with the clerk of the district court or  
33 certified to the child support recovery unit.

34     Sec. 109. Section 252J.6, subsection 2, paragraph d,  
35 subparagraph (1), subparagraph division (b), Code 2015, is

1 amended to read as follows:

2 (b) If the action is a result of section 252J.2, subsection  
3 2, paragraph "b", and the individual is not an obligor, in the  
4 county in which the dependent child or children reside if the  
5 child or children reside in Iowa; in the county in which the  
6 dependent child or children last received public assistance if  
7 the child or children received public assistance in Iowa; or in  
8 the county in which the individual resides if the action is the  
9 result of a request from a child support agency in a another  
10 state or foreign jurisdiction country.

11 Sec. 110. Section 252J.9, subsection 1, paragraph b, Code  
12 2015, is amended to read as follows:

13 b. If the action is a result of section 252J.2, subsection  
14 2, paragraph "b", and the individual is not an obligor, in a  
15 county in which the dependent child or children reside if the  
16 child or children reside in Iowa; in the county in which the  
17 dependent child or children last received public assistance if  
18 the child or children received public assistance in Iowa; or in  
19 the county in which the individual resides if the action is the  
20 result of a request from a child support agency in a another  
21 state or foreign jurisdiction country.

22 Sec. 111. Section 598.2A, Code 2015, is amended to read as  
23 follows:

24 **598.2A Choice of law.**

25 In a proceeding to establish, modify, or enforce a child  
26 support order the forum state's law shall apply except as  
27 follows:

28 ~~1. In interpreting a child support order, a court shall~~  
29 ~~apply the law of the state of the court or administrative~~  
30 ~~agency that issued the order.~~

31 ~~2. In an action to enforce a child support order, a court~~  
32 ~~shall apply the statute of limitations of the forum state or~~  
33 ~~the state of the court or administrative agency that issued~~  
34 ~~the order, whichever statute provides the longer period of~~  
35 limitations provided in section 252K.604.

1     Sec. 112. Section 598.21E, subsection 1, paragraph b, Code  
2 2015, is amended to read as follows:

3     **b.** If a determination of paternity is based on an  
4 administrative or court order or other means pursuant to the  
5 laws of a another state or foreign jurisdiction country as  
6 defined in chapter 252K, any action to overcome the prior  
7 determination of paternity shall be filed in that jurisdiction.  
8 Unless a stay of the action initiated in this state to  
9 establish child or medical support is requested and granted  
10 by the court, pending a resolution of the contested paternity  
11 issue by the other state or foreign jurisdiction country as  
12 defined in chapter 252K, the action shall proceed.

13     Sec. 113. Section 598.22, Code 2015, is amended to read as  
14 follows:

15     **598.22 Support payments — clerk of court — collection**  
16 **services center or comparable government entity in another state**  
17 **— defaults — security.**

18     1. Except as otherwise provided in section 598.22A,  
19 this section applies to all initial or modified orders for  
20 support entered under this chapter, chapter 234, 252A, 252C,  
21 252F, 600B, or any other chapter of the Code. All orders  
22 or judgments entered under chapter 234, 252A, 252C, 252F, or  
23 600B, or under this chapter or any other chapter which provide  
24 for temporary or permanent support payments shall direct the  
25 payment of those sums to the clerk of the district court or the  
26 collection services center in accordance with section 252B.14,  
27 or as appropriate, a comparable government entity in another  
28 state as provided in chapter 252K for the use of the person  
29 for whom the payments have been awarded. ~~Beginning October 1,~~  
30 ~~1999, all~~ All income withholding payments shall be directed to  
31 the collection services center, or as appropriate, a comparable  
32 government entity in another state as provided in chapter  
33 252K. Payments to persons other than the clerk of the district  
34 court, ~~and~~ the collection services center, or as appropriate, a  
35 comparable government entity in another state as provided in

1 chapter 252K do not satisfy the support obligations created  
2 by the orders or judgments, except as provided for trusts  
3 governed by the federal Retirement Equity Act of 1984, Pub. L.  
4 No. 98-397, for tax refunds or rebates in section 602.8102,  
5 subsection 47, or for dependent benefits paid to the child  
6 support obligee as the result of disability benefits awarded  
7 to the child support obligor under the federal Social Security  
8 Act. For trusts governed by the federal Retirement Equity Act  
9 of 1984, Pub. L. No. 98-397, the order for income withholding  
10 or notice of the order for income withholding shall require  
11 the payment of such sums to the alternate payee in accordance  
12 with the federal Act. For dependent benefits paid to the child  
13 support obligee as a result of disability benefits awarded to  
14 the child support obligor under the federal Social Security  
15 Act, the provisions of section 598.22C shall apply.

16 2. An income withholding order or notice of the order  
17 for income withholding shall be entered under the terms and  
18 conditions of chapter 252D. However, for trusts governed by  
19 the federal Retirement Equity Act of 1984, Pub. L. No. 98-397,  
20 the payor shall transmit the payments to the alternate payee in  
21 accordance with the federal Act.

22 3. An order or judgment entered by the court for temporary  
23 or permanent support or for income withholding shall be filed  
24 with the clerk. The orders have the same force and effect  
25 as judgments when entered in the judgment docket and lien  
26 index and are records open to the public. Unless otherwise  
27 provided by federal law, if it is possible to identify the  
28 support order to which a payment is to be applied, and if  
29 sufficient information identifying the obligee is provided,  
30 the clerk or the collection services center, as appropriate,  
31 shall disburse the payments received pursuant to the orders  
32 or judgments within two working days of the receipt of  
33 the payments. All moneys received or disbursed under this  
34 section shall be entered in records kept by the clerk, or the  
35 collection services center, as appropriate, and the records

1 kept by the clerk shall be available to the public. The clerk  
2 or the collection services center shall not enter any moneys  
3 paid in the record book if not paid directly to the clerk or  
4 the center, as appropriate, except as provided for trusts and  
5 federal social security disability payments in this section,  
6 and for tax refunds or rebates in section 602.8102, subsection  
7 47, or as appropriate, a comparable government entity in  
8 another state as provided in chapter 252K.

9 4. If the sums ordered to be paid in a support payment order  
10 are not paid to the clerk or the collection services center, or  
11 a comparable government entity in another state as provided in  
12 chapter 252K, as appropriate, at the time provided in the order  
13 or judgment, the clerk or the collection services center, as  
14 appropriate, shall certify a default to the court which may, on  
15 its own motion, proceed as provided in section 598.23.

16 5. Prompt payment of sums required to be paid under sections  
17 598.10, 598.21A, 598.21B, 598.21C, 598.21E, and 598.21F is  
18 the essence of such orders or judgments and the court may act  
19 pursuant to section 598.23 regardless of whether the amounts in  
20 default are paid prior to the contempt hearing.

21 6. Upon entry of an order for support or upon the failure of  
22 a person to make payments pursuant to an order for support, the  
23 court may require the person to provide security, a bond, or  
24 other guarantee which the court determines is satisfactory to  
25 secure the payment of the support. Upon the person's failure  
26 to pay the support under the order, the court may declare the  
27 security, bond, or other guarantee forfeited.

28 7. For the purpose of enforcement, medical support is  
29 additional support which, upon being reduced to a dollar  
30 amount, may be collected through the same remedies available  
31 for the collection and enforcement of child support.

32 8. The clerk of the district court in the county in which  
33 the order for support is filed and to whom support payments are  
34 made pursuant to the order may require the person obligated to  
35 pay support to submit payments by bank draft or money order if

1 the obligor submits an insufficient funds support payment to  
2 the clerk of the district court.

3 Sec. 114. Section 598.22B, subsection 1, Code 2015, is  
4 amended to read as follows:

5 1. All such orders or judgments shall direct each party  
6 to file with the clerk of court or the child support recovery  
7 unit, as appropriate, upon entry of the order, and to update as  
8 appropriate, information on location and identity of the party,  
9 including social security number, residential and mailing  
10 addresses, electronic mail address, telephone number, driver's  
11 license number, and name, address, and telephone number of the  
12 party's employer. The order shall also include a provision  
13 that the information filed will be disclosed and used pursuant  
14 to this section. The party shall file the information with the  
15 clerk of court, or, if all support payments are to be directed  
16 to the collection services center as provided in section  
17 252B.14, subsection 2, and section 252B.16, with the child  
18 support recovery unit.

19 Sec. 115. Section 598.23A, subsection 1, Code 2015, is  
20 amended to read as follows:

21 1. If a person against whom an order or decree for support  
22 has been entered pursuant to this chapter or chapter 234,  
23 252A, 252C, 252F, 600B, or any other support chapter, or a  
24 comparable chapter of a another state or foreign jurisdiction  
25 country as defined in chapter 252K, fails to make payments  
26 or provide medical support pursuant to that order or decree,  
27 the person may be cited and punished by the court for contempt  
28 under section 598.23 or this section. Failure to comply with a  
29 seek employment order entered pursuant to section 252B.21 is  
30 evidence of willful failure to pay support.

31 Sec. 116. Section 600B.41A, subsection 2, paragraph a, Code  
32 2015, is amended to read as follows:

33 a. A paternity determination made in or by a another state  
34 or foreign jurisdiction country as defined in chapter 252K or a  
35 paternity determination which has been made in or by a ~~foreign~~

1 that jurisdiction and registered in this state in accordance  
2 with section 252A.18 or chapter 252K.

3 Sec. 117. Section 602.8102, subsection 47, Code 2015, is  
4 amended to read as follows:

5 47. Record support payments made pursuant to an order  
6 entered under chapter 252A, 252F, 598, or 600B, or under a  
7 comparable statute of a another state or foreign jurisdiction  
8 country as defined in chapter 252K, and through setoff of  
9 a state or federal income tax refund or rebate, as if the  
10 payments were received and disbursed by the clerk; forward  
11 support payments received under section 252A.6 to the  
12 department of human services and furnish copies of orders  
13 and decrees awarding support to parties receiving welfare  
14 assistance as provided in section 252A.13.

15 Sec. 118. REPEAL. Section 252A.17, Code 2015, is repealed.

16 DIVISION III

17 SUSPENSION OF SUPPORT

18 Sec. 119. Section 252B.20, Code 2015, is amended to read as  
19 follows:

20 **252B.20 Suspension of support — request by mutual consent.**

21 1. If the unit is providing child support enforcement  
22 services pursuant to this chapter, the parents of a dependent  
23 child for whom support has been ordered pursuant to chapter  
24 252A, 252C, 252F, 598, 600B, or any other chapter, may jointly  
25 request the assistance of the unit in suspending the obligation  
26 for support if all of the following conditions exist:

27 a. The parents have reconciled and are cohabiting, and  
28 the child for whom support is ordered is living in the same  
29 residence as the parents, or the child is currently residing  
30 with the parent who is ordered to pay support. If the basis for  
31 suspension under this paragraph applies to at least one but not  
32 all of the children for whom support is ordered, the condition  
33 of this paragraph is met only if the support order includes a  
34 step change.

35 b. The child for whom support is ordered is not receiving

1 public assistance pursuant to chapter 239B, 249A, or a  
2 comparable law of a another state or foreign jurisdiction  
3 country, unless the person against whom support is ordered is  
4 considered to be a member of the same household as the child  
5 for the purposes of public assistance eligibility.

6 c. The parents have signed a notarized affidavit attesting  
7 to the conditions under paragraphs "a" and "b", have consented  
8 to suspension of the support order or obligation, and have  
9 submitted the affidavit to the unit.

10 d. No prior request for suspension has been filed with the  
11 unit under this section and no prior request for suspension  
12 has been served by the unit under section 252B.20A during the  
13 two-year period preceding the request, ~~unless the request was~~  
14 ~~filed during the two-year period preceding July 1, 2005, the~~  
15 ~~unit denied the request because the suspension did not apply~~  
16 ~~to all children for whom support is ordered, and the parents~~  
17 ~~jointly file a request on or after July 1, 2005.~~

18 e. Any other criteria established by rule of the department.

19 2. Upon receipt of the application for suspension and  
20 properly executed and notarized affidavit, the unit shall  
21 review the application and affidavit to determine that the  
22 necessary criteria have been met. The unit shall then do one  
23 of the following:

24 a. Deny the request and notify the parents in writing  
25 that the application is being denied, providing reasons for  
26 the denial and notifying the parents of the right to proceed  
27 through private counsel. Denial of the application is not  
28 subject to contested case proceedings or further review  
29 pursuant to chapter 17A.

30 b. Approve the request and prepare an order which shall be  
31 submitted, along with the affidavit, to a judge of a district  
32 court for approval, suspending the accruing support obligation  
33 and, if requested by the obligee, and if not prohibited by  
34 chapter 252K, satisfying the obligation of support due the  
35 obligee. If the basis for suspension applies to at least one

1 but not all of the children for whom support is ordered and the  
2 support order includes a step change, the unit shall prepare an  
3 order suspending the accruing support obligation for each child  
4 to whom the basis for suspension applies.

5 3. An order approved by the court for suspension of an  
6 accruing support obligation is effective upon the date of  
7 filing of the suspension order. The satisfaction of an  
8 obligation of support due the obligee shall be final upon the  
9 filing of the suspension order. A support obligation which is  
10 satisfied is not subject to the reinstatement provisions of  
11 this section.

12 4. An order suspending an accruing support obligation  
13 entered by the court pursuant to this section shall be  
14 considered a temporary order for the period of six months from  
15 the date of filing of the suspension order. However, the  
16 six-month period shall not include any time during which an  
17 application for reinstatement is pending before the court.

18 5. During the six-month period the unit may request that the  
19 court reinstate the accruing support order or obligation if any  
20 of the following conditions exist:

21 a. Upon application to the unit by either parent or other  
22 person who has physical custody of the child.

23 b. Upon the receipt of public assistance benefits, pursuant  
24 to chapter 239B, 249A, or a comparable law of a another state  
25 or foreign jurisdiction country, by the person entitled to  
26 receive support and the child on whose behalf support is paid,  
27 provided that the person owing the support is not considered to  
28 be a member of the same household as the child for the purposes  
29 of public assistance eligibility.

30 6. If a condition under subsection 5 exists, the unit may  
31 request that the court reinstate an accruing support obligation  
32 as follows:

33 a. If the basis for the suspension no longer applies to any  
34 of the children for whom an accruing support obligation was  
35 suspended, the unit shall request that the court reinstate the

1 accruing support obligations for all of the children.

2     *b.* If the basis for the suspension continues to apply to  
3 at least one but not all of the children for whom an accruing  
4 support obligation was suspended and if the support order  
5 includes a step change, the unit shall request that the court  
6 reinstate the accruing support obligation for each child for  
7 whom the basis for the suspension no longer applies.

8     7. Upon filing of an application for reinstatement, service  
9 of the application shall be made either in person or by first  
10 class mail upon both parents. Within ten days following the  
11 date of service, the parents may file a written objection with  
12 the clerk of the district court to the entry of an order for  
13 reinstatement.

14     *a.* If no objection is filed, the court may enter an order  
15 reinstating the accruing support obligation without additional  
16 notice.

17     *b.* If an objection is filed, the clerk of court shall set  
18 the matter for hearing and send notice of the hearing to both  
19 parents and the unit.

20     8. The reinstatement is effective as follows:

21     *a.* For reinstatements initiated under subsection 5,  
22 paragraph "a", the date the notices were served on both parents  
23 pursuant to subsection 7.

24     *b.* For reinstatements initiated under subsection 5,  
25 paragraph "b", the date the child began receiving public  
26 assistance benefits during the suspension of the obligation.

27     *c.* Support which became due during the period of suspension  
28 but prior to the reinstatement is waived and not due and owing  
29 unless the parties requested and agreed to the suspension under  
30 false pretenses.

31     9. If the order suspending a support obligation has been  
32 on file with the court for a period exceeding six months as  
33 computed pursuant to subsection 4, the order becomes final by  
34 operation of law and terminates the support obligation, and  
35 thereafter, a party seeking to establish a support obligation

1 against either party shall bring a new action for support as  
2 provided by law.

3 10. This section shall not limit the rights of the parents  
4 or the unit to proceed by other means to suspend, terminate,  
5 modify, reinstate, or establish support.

6 11. This section does not provide for the suspension or  
7 retroactive modification of support obligations which accrued  
8 prior to the entry of an order suspending enforcement and  
9 collection of support pursuant to this section. However, if in  
10 the application for suspension, an obligee elects to satisfy an  
11 obligation of accrued support due the obligee, the suspension  
12 order may satisfy the obligation of accrued support due the  
13 obligee.

14 12. Nothing in this section shall prohibit or limit the  
15 unit or a party entitled to receive support from enforcing and  
16 collecting any unpaid or unsatisfied support that accrued prior  
17 to the suspension of the accruing obligation.

18 13. For the purposes of chapter 252H, subchapter II,  
19 regarding the criteria for a review or for a cost-of-living  
20 alteration under chapter 252H, subchapter IV, if a support  
21 obligation is terminated or reinstated under this section,  
22 such termination or reinstatement shall not be considered a  
23 modification of the support order.

24 14. As used in this section, unless the context otherwise  
25 requires, "*step change*" means a change designated in a support  
26 order specifying the amount of the child support obligation  
27 as the number of children entitled to support under the order  
28 changes.

29 15. As specified in this section, if the child for whom  
30 support is ordered is not receiving public assistance pursuant  
31 to chapter 239B, 249A, or a comparable law of another state  
32 or foreign country, upon agreement of the parents, the unit  
33 may facilitate the suspension of the child support order or  
34 obligation if the child is residing with a caretaker, who  
35 is a natural person, and who has not requested the unit to

1 provide services under this chapter. The parents and the  
2 caretaker shall sign a notarized affidavit attesting to the  
3 conditions under this section, consent to the suspension of the  
4 support order or obligation, and submit the affidavit to the  
5 unit. Upon the receipt of public assistance benefits pursuant  
6 to chapter 239B, 249A, or a comparable law of another state  
7 or foreign country, by the child on whose behalf support is  
8 ordered, or upon application to the unit by either parent or  
9 the caretaker, the unit may, within the time periods specified  
10 in this section, request the reinstatement of the accruing  
11 support order or obligation pursuant to this section.

12 16. The department may adopt all necessary and proper rules  
13 to administer and interpret this section.

14 **Sec. 120. NEW SECTION. 252B.20A Suspension of support —**  
15 **request by one party.**

16 1. If the unit is providing child support enforcement  
17 services pursuant to this chapter, the obligor who is ordered  
18 to pay support for the dependent child pursuant to chapter  
19 252A, 252C, or 252F, may request the assistance of the unit in  
20 suspending the obligation for support if all of the following  
21 conditions exist:

22 a. The child is currently residing with the obligor and has  
23 been for more than sixty consecutive days. If the basis for  
24 suspension under this paragraph applies to at least one but not  
25 all of the children for whom support is ordered, the condition  
26 of this paragraph is met only if the support order includes a  
27 step change.

28 b. There is no order in effect regarding legal custody,  
29 physical care, visitation, or other parenting time for the  
30 child.

31 c. It is reasonably expected that the basis for suspension  
32 under this section will continue for not less than six months.

33 d. The child for whom support is ordered is not receiving  
34 public assistance pursuant to chapter 239B, 249A, or a  
35 comparable law of another state or foreign country, unless the

1 obligor is considered to be a member of the same household as  
2 the child for the purposes of public assistance eligibility.

3 e. The obligor has signed a notarized affidavit, provided by  
4 the unit, attesting to the existence of the conditions under  
5 paragraphs "a" through "d", has requested suspension of the  
6 support order or obligation, and has submitted the affidavit  
7 to the unit.

8 f. No prior request for suspension has been served under  
9 this section, and no prior request for suspension has been  
10 filed with the unit pursuant to section 252B.20, during the  
11 two-year period preceding the request.

12 g. Any other criteria established by rule of the department.

13 2. Upon receipt of the application for suspension and  
14 properly executed and notarized affidavit, the unit shall  
15 review the application and affidavit to determine that the  
16 criteria have been met. The unit shall then do one of the  
17 following:

18 a. Deny the request and notify the obligor in writing  
19 that the application is being denied, providing reasons for  
20 the denial and notifying the obligor of the right to proceed  
21 through private counsel. Denial of the application is not  
22 subject to contested case proceedings or further review  
23 pursuant to chapter 17A.

24 b. Serve a copy of the notice and supporting documents on  
25 the obligee by any means provided in section 252B.26. The  
26 notice to the obligee shall include all of the following:

27 (1) Information sufficient to identify the parties and the  
28 support order affected.

29 (2) An explanation of the procedure for suspension and  
30 reinstatement of support under this section.

31 (3) An explanation of the rights and responsibilities of the  
32 obligee, including the applicable procedural time frames.

33 (4) A statement that within twenty days of service, the  
34 obligee must submit a signed and notarized response to the unit  
35 objecting to at least one of the assertions in subsection 1,

1 paragraphs "a" through "d". The statement shall inform the  
2 obligee that if, within twenty days of service, the obligee  
3 fails to submit a response as specified in this subparagraph,  
4 notwithstanding rules of civil procedure 1.972(2) and 1.972(3),  
5 the unit will prepare and submit an order as provided in  
6 subsection 3, paragraph "b".

7 3. No sooner than thirty days after service on the obligee  
8 under subsection 2, paragraph "b", the unit shall do one of the  
9 following:

10 a. If the obligee submits a signed and notarized objection  
11 to any assertion in subsection 1, paragraphs "a" through "d",  
12 deny the request and notify the parties in writing that the  
13 application is denied, providing reasons for the denial, and  
14 notifying the parties of the right to proceed through private  
15 counsel. Denial of the application is not subject to contested  
16 case proceedings or further review pursuant to chapter 17A.

17 b. If the obligee does not timely submit a signed and  
18 notarized objection to the unit, prepare an order which shall  
19 be submitted, along with supporting documents, to a judge of a  
20 district court for approval, suspending the accruing support  
21 obligation. If the basis for suspension applies to at least  
22 one but not all of the children for whom support is ordered  
23 and the support order includes a step change, the unit shall  
24 prepare an order suspending the accruing support obligation for  
25 each child to whom the basis for suspension applies.

26 4. An order approved by the court for suspension of an  
27 accruing support obligation is effective upon the date of  
28 filing of the suspension order.

29 5. An order suspending an accruing support obligation  
30 entered by the court pursuant to this section shall be  
31 considered a temporary order for the period of six months from  
32 the date of filing of the suspension order. However, the  
33 six-month period shall not include any time during which an  
34 application for reinstatement is pending before the court.

35 6. During the six-month period, the unit may request that

1 the court reinstate the accruing support order or obligation if  
2 any of the following conditions exist:

3     *a.* Upon application to the unit by either party or other  
4 person who has physical custody of the child.

5     *b.* Upon the receipt of public assistance benefits pursuant  
6 to chapter 239B, 249A, or a comparable law of another state  
7 or foreign country, by the person entitled to receive support  
8 and the child on whose behalf support is paid, provided that  
9 the person owing the support is not considered to be a member  
10 of the same household as the child for the purposes of public  
11 assistance eligibility.

12     7. If a condition under subsection 6 exists, the unit may  
13 request that the court reinstate an accruing support obligation  
14 as follows:

15     *a.* If the basis for the suspension no longer applies to any  
16 of the children for whom an accruing support obligation was  
17 suspended, the unit shall request that the court reinstate the  
18 accruing support obligations for all of the children.

19     *b.* If the basis for the suspension continues to apply to  
20 at least one but not all of the children for whom an accruing  
21 support obligation was suspended and if the support order  
22 includes a step change, the unit shall request that the court  
23 reinstate the accruing support obligation for each child for  
24 whom the basis for the suspension no longer applies.

25     8. Upon filing of an application for reinstatement, service  
26 of the application shall be made either in person or by first  
27 class mail upon the parties. Within ten days following the  
28 date of service, a party may file a written objection with  
29 the clerk of the district court to the entry of an order for  
30 reinstatement.

31     *a.* If no objection is filed, the court may enter an order  
32 reinstating the accruing support obligation without additional  
33 notice.

34     *b.* If an objection is filed, the clerk of court shall set  
35 the matter for hearing and send notice of the hearing to the

1 parties and the unit.

2 9. *a.* The reinstatement is effective as follows:

3 (1) For reinstatements initiated under subsection 6,  
4 paragraph "a", the date the notices were served on the parties  
5 pursuant to subsection 8.

6 (2) For reinstatements initiated under subsection 6,  
7 paragraph "b", the date the child began receiving public  
8 assistance benefits during the suspension of the obligation.

9 *b.* Support which became due during the period of suspension  
10 but prior to the reinstatement is waived and not due and owing  
11 unless the suspension was made under false pretenses.

12 10. If the order suspending a support obligation has been  
13 on file with the court for a period exceeding six months as  
14 computed pursuant to subsection 5, the order becomes final by  
15 operation of law and terminates the support obligation, and  
16 thereafter, a party seeking to establish a support obligation  
17 against either party shall bring a new action for support as  
18 provided by law.

19 11. Legal representation of the unit shall be provided  
20 pursuant to section 252B.7, subsection 4.

21 12. This section shall not limit the rights of a party  
22 or the unit to proceed by other means to suspend, terminate,  
23 modify, reinstate, or establish support.

24 13. This section does not provide for the suspension or  
25 retroactive modification of support obligations which accrued  
26 prior to the entry of an order suspending enforcement and  
27 collection of support pursuant to this section.

28 14. Nothing in this section shall prohibit or limit the  
29 unit or a party entitled to receive support from enforcing and  
30 collecting any unpaid or unsatisfied support that accrued prior  
31 to the suspension of the accruing obligation.

32 15. For the purposes of chapter 252H regarding the criteria  
33 for a review under subchapter II of that chapter or for a  
34 cost-of-living alteration under subchapter IV of that chapter,  
35 if a support obligation is terminated or reinstated under

1 this section, such termination or reinstatement shall not be  
2 considered a modification of the support order.

3 16. As used in this section, unless the context otherwise  
4 requires, "*step change*" means a change designated in a support  
5 order specifying the amount of the child support obligation  
6 as the number of children entitled to support under the order  
7 changes.

8 17. As specified in this section, if the child for whom  
9 support is ordered is not receiving public assistance pursuant  
10 to chapter 239B, 249A, or a comparable law of another state  
11 or foreign country, upon request by the obligor, the unit  
12 may facilitate the suspension of the child support order or  
13 obligation if the child is residing with a caretaker, who  
14 is a natural person, and who has not requested the unit to  
15 provide services under this chapter. The obligor and the  
16 caretaker shall sign a notarized affidavit attesting to the  
17 conditions under this section, consent to the suspension of the  
18 support order or obligation, and submit the affidavit to the  
19 unit. Upon the receipt of public assistance benefits pursuant  
20 to chapter 239B, 249A, or a comparable law of another state  
21 or foreign country, by the child on whose behalf support is  
22 ordered, or upon application to the unit by either party or the  
23 caretaker, the unit may, within the time periods specified in  
24 this section, request the reinstatement of the accruing support  
25 order or obligation pursuant to this section.

26 18. The department may adopt all necessary and proper rules  
27 to administer and interpret this section.

28 Sec. 121. Section 252B.26, unnumbered paragraph 1, Code  
29 2015, is amended to read as follows:

30 Notwithstanding any provision of law to the contrary, the  
31 unit may serve a petition, notice, or rule to show cause under  
32 this chapter or chapter 252A, 252C, 252F, 252H, 252K, 598, or  
33 665 as specified in each chapter, or as follows:

34 Sec. 122. ADMINISTRATIVE RULES — TRANSITION. Until the  
35 department of human services adopts rules pursuant to chapter

1 17A necessary to administer this division of this Act, all of  
2 the following shall apply:

3 1. The child support recovery unit may initiate proceedings  
4 to suspend and reinstate support orders in accordance with  
5 section 252B.20, as amended in this division of this Act.

6 2. The child support recovery unit may, to the extent  
7 appropriate, apply and utilize procedures, rules, and forms  
8 substantially similar to those applicable and utilized pursuant  
9 to section 252B.20 for proceedings initiated in accordance with  
10 section 252B.20A, as enacted in this division of this Act.

11 Sec. 123. EFFECTIVE DATE. This division of this Act takes  
12 effect January 1, 2016.

13 DIVISION IV

14 GENETIC TESTING

15 Sec. 124. Section 252F.3, subsection 6, paragraph a, Code  
16 2015, is amended to read as follows:

17 a. If a party contests the establishment of paternity, the  
18 party shall submit, within twenty days of service of the notice  
19 on the party under subsection 1, a written statement contesting  
20 paternity establishment to the unit. Upon receipt of a written  
21 challenge of paternity establishment, or upon initiation by the  
22 unit, the administrator shall enter ex parte administrative  
23 orders requiring the mother, child or children involved, and  
24 the putative father to submit to paternity testing, except that  
25 if the mother and child or children previously submitted blood  
26 or genetic specimens in a prior action to establish paternity  
27 against a different putative father, the previously submitted  
28 specimens and prior results, if available, may be utilized for  
29 testing in this action. Either the mother or putative father  
30 may contest paternity under this chapter.

31 Sec. 125. Section 600B.41, subsection 1, Code 2015, is  
32 amended to read as follows:

33 1. In a proceeding to establish paternity in law or in  
34 equity the court may on its own motion, and upon request of  
35 a party shall, require the child, mother, and alleged father

1 to submit to blood or genetic tests, except that if the mother  
2 and child previously submitted blood or genetic specimens in a  
3 prior action to establish paternity against a different alleged  
4 father, the previously submitted specimens and prior results,  
5 if available, may be utilized for testing in this action.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with  
8 the explanation's substance by the members of the general assembly.

9 This bill relates to family support programs including child  
10 support and establishment of paternity.

11 Division I of the bill amends provisions in Code chapter  
12 252K, the uniform interstate family support Act (UIFSA).  
13 UIFSA provides uniform rules for the enforcement of support  
14 orders including by setting basic jurisdictional standards for  
15 state courts, determining the basis for a state to exercise  
16 continuing jurisdiction over a child support proceeding,  
17 establishing rules for determining which state issues the  
18 controlling order if proceedings are initiated in multiple  
19 jurisdictions, and providing rules for modifying or refusing  
20 to modify another state's child support order. While the  
21 United States has recognized and enforced orders from other  
22 countries, the same reciprocity has not always been available  
23 when parties from the United States seek enforcement in  
24 foreign countries. The Hague convention on the international  
25 recovery of child support and other forms of family maintenance  
26 extends jurisdiction and enforcement rules to facilitate the  
27 recognition and enforcement of the orders of parties from  
28 the United States seeking enforcement in foreign countries.  
29 The 2008 amendments to UIFSA are designed to implement these  
30 improvements and help ensure that more family support orders  
31 issued in the United States are recognized and enforced abroad.  
32 In 2007, the United States signed the Hague convention on  
33 the international recovery of child support and other forms  
34 of family maintenance. In July 2008, the national conference  
35 of commissioners on uniform state laws approved amendments to

1 UIFSA to integrate the appropriate provisions of the Hague  
2 convention. The 2008 amendments act as the implementing  
3 language for the convention in the states. In 2014, the United  
4 States Congress passed federal implementing legislation (the  
5 federal Preventing Sex Trafficking and Strengthening Families  
6 Act, Pub. L. No. 113-183) for the convention. Under this  
7 federal Act, states are required to adopt the amendments to  
8 UIFSA in their next legislative sessions, but have a grace  
9 period to allow for state law changes. States must enact such  
10 a law and make it effective no later than the first day of the  
11 first calendar quarter beginning after the close of the first  
12 regular session of the state legislature that begins after  
13 September 29, 2014 (the enactment date of Pub. L. No. 113-183).  
14 In the case of a state that has a two-year legislative session,  
15 each year of the session is considered to be a separate regular  
16 session of the state legislature. The new law requires that  
17 the 2008 UIFSA amendments be enacted in every jurisdiction as  
18 a condition for continued receipt of federal funds supporting  
19 state child support programs.

20 Division I of the bill provides definitions including those  
21 for "convention", "foreign country", "foreign tribunal", and  
22 "record". The bill provides for changes in the existing  
23 Articles 1 through 6 of the UIFSA law and provides a new  
24 Article 7. The major changes in the law include specifying  
25 that a foreign tribunal is an entity of a foreign country, not  
26 merely a jurisdiction outside of the state and that a "state"  
27 means only a state or territory under the jurisdiction of the  
28 United States or an Indian nation or tribe, but no longer  
29 includes any foreign jurisdiction that has enacted a law or  
30 established the procedures of or comparable to UIFSA; provides  
31 specifically when the Code chapter applies to a foreign country  
32 or foreign support proceedings; and otherwise makes technical  
33 changes and adapts language of the convention to make the  
34 language consistent.

35 The new Article 7 provides guidelines and procedures for

1 the registration, recognition, enforcement, and modification  
2 of foreign support orders from countries that are parties  
3 to the convention. Article 7 provides that a support order  
4 from a country that has agreed to comply with the convention  
5 must be registered immediately unless a tribunal in the state  
6 where the registration is sought determines that the language  
7 of the order is contrary to the public policy of the state.  
8 Once registered, the nonregistering party receives notice and  
9 is allowed the opportunity to challenge the order on certain  
10 grounds. Unless one of the grounds for denying recognition is  
11 established, the order is to be enforced. Article 7 requires  
12 documents submitted under the convention to be submitted in  
13 both the original language of the issuing court and English.  
14 Orders from foreign countries that are not signatories to the  
15 Hague convention also may be recognized by a state court on the  
16 basis of comity.

17 Division II of the bill makes conforming changes throughout  
18 the Code based on the changes in Code chapter 252K.

19 Division III of the bill creates a new Code section 252B.20A  
20 to provide for the suspension of child support upon the  
21 request of an obligor, if certain conditions are met. The bill  
22 provides that if the child support recovery unit (CSRU) is  
23 providing child support enforcement services, the obligor may  
24 request the assistance of CSRU in suspending the obligation for  
25 support if the child is currently residing with the obligor and  
26 has been residing with the obligor for more than 60 consecutive  
27 days; there is no order in effect regarding legal custody,  
28 physical care, visitation, or other parenting time for the  
29 child; it is reasonably expected that the basis for suspension  
30 will continue for not less than six months; the child for whom  
31 support is ordered is not receiving public assistance, unless  
32 the obligor is considered to be a member of the same household  
33 as the child for the purposes of public assistance eligibility;  
34 the obligor has signed a notarized affidavit, provided by  
35 the CSRU, attesting to the existence of the conditions, has

1 requested suspension of the support order or obligation, and  
2 has submitted the affidavit to the CSRU; no prior request for  
3 suspension has been served or filed with the CSRU during the  
4 two-year period preceding the request; and any other criteria  
5 established by rule of the department are met.

6 Upon receipt of the application for suspension and the  
7 properly executed and notarized affidavit, the CSRU may deny  
8 the request or serve notice of the suspension on the obligee.

9 An order approved by the court for suspension of an accruing  
10 support obligation is effective upon the date of filing of the  
11 suspension order and is considered a temporary order for the  
12 period of six months from the date of filing of the suspension  
13 order. During the six-month period, the CSRU may request  
14 reinstatement of the accruing support order or obligation upon  
15 application to the CSRU by either party or other person who has  
16 physical custody of the child or upon the receipt of public  
17 assistance benefits by the person entitled to receive support  
18 and the child on whose behalf support is paid, provided that  
19 the person owing the support is not considered to be a member  
20 of the same household as the child for the purposes of public  
21 assistance eligibility.

22 The bill provides the process for reinstatement of an  
23 accruing support obligation and provides that if an order  
24 suspending support has been on file with the court for a period  
25 exceeding six months, the order becomes final by operation of  
26 law and terminates the support obligation.

27 The bill also provides that if the child for whom support  
28 is ordered is not receiving public assistance, upon request  
29 by the obligor the CSRU may facilitate the suspension of the  
30 child support order or obligation if the child is residing with  
31 a caretaker who has not requested that CSRU provide services.  
32 The obligor and the caretaker must sign a notarized affidavit  
33 attesting to the conditions, consent to the suspension of the  
34 support order or obligation, and submit the affidavit to the  
35 CSRU. Upon the receipt of public assistance benefits by the

1 child on whose behalf support is ordered, or upon application  
2 to the CSRU by either party or the caretaker, the CSRU may  
3 request the reinstatement of the accruing support order or  
4 obligation.

5 The bill also makes conforming changes to the existing  
6 suspension provision (Code section 252B.20) that may be  
7 utilized when both the obligor and the obligee agree to the  
8 suspension. The existing suspension provision is also amended  
9 to allow that if the parents agree and meet certain conditions,  
10 a support order may be suspended when the child is residing  
11 with a caretaker who has not requested that CSRU provide  
12 services.

13 The bill explicitly authorizes the department of human  
14 services (DHS) to adopt all necessary and proper rules to  
15 administer and interpret both the existing Code section 252B.20  
16 and the new Code section 252B.20A suspension provisions.  
17 If interpretative rulemaking authority is clearly vested  
18 in an agency, the standard of review of such rules is  
19 whether the rules constitute an irrational, illogical, or  
20 wholly unjustifiable interpretation of law (Code section  
21 17A.19(10)(1)). If interpretive rulemaking authority is  
22 clearly not vested in the agency, the standard of review  
23 of such rules is whether the rules constitute an erroneous  
24 interpretation of law (Code section 17A.19(10)(c)).

25 The bill directs that until DHS adopts rules to administer  
26 the bill, the CSRU may initiate proceedings to suspend and  
27 reinstate support orders in accordance with Code section  
28 252B.20, as amended in the bill, and may, to the extent  
29 appropriate, apply and utilize procedures, rules, and forms  
30 substantially similar to those applicable and utilized pursuant  
31 to Code section 252B.20 for proceedings initiated in accordance  
32 with Code section 252B.20A, as enacted in the bill.

33 Division III of the bill takes effect January 1, 2016.

34 Division IV of the bill relates to genetic testing in  
35 proceedings to establish paternity. The bill amends Code

1 section 252F.3 (notice of alleged paternity and support debt  
2 conference request for hearing) and Code section 600B.41, blood  
3 and genetic testing, to provide that in a proceeding involving  
4 paternity testing, the child or children, mother, and putative  
5 or alleged father must submit to paternity testing, but that  
6 if the mother and child or children previously submitted blood  
7 or genetic specimens in a prior action to establish paternity  
8 against a different alleged or putative father, the previously  
9 submitted specimens and prior results, if available, may be  
10 utilized for testing in the action.